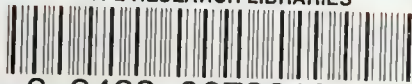


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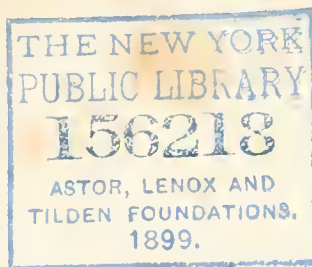
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BIOGRAPHY
OF THE SIGNERS TO THE
DECLARATION OF INDEPENDENCE.

SECOND EDITION,
REVISED, IMPROVED, AND ENLARGED.

VOLUME IV.

PHILADELPHIA:
WILLIAM BROWN AND CHARLES PETERS.
1828.



Eastern District of Pennsylvania, to wit:

***** BE IT REMEMBERED, That on the 12th day of July, in the
* L. S. * fifty-third year of the Independence of the United States of
* America, A. D. 1828, William Brown and Charles Peters, of the
***** said District, have deposited in this Office the title of a Book, the right
whereof they claim as proprietors, in the words following, to wit:

“Biography of the Signers to the Declaration of Independence.
Second Edition, Revised, Improved, and Enlarged. In five
Volumes.”

In conformity to the act of the Congress of the United States, entitled “An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned.” And also to the act, entitled “An act supplementary to an act, entitled ‘An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned,’ and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.”

D. CALDWELL,

Clerk of the Eastern District of Pennsylvania.

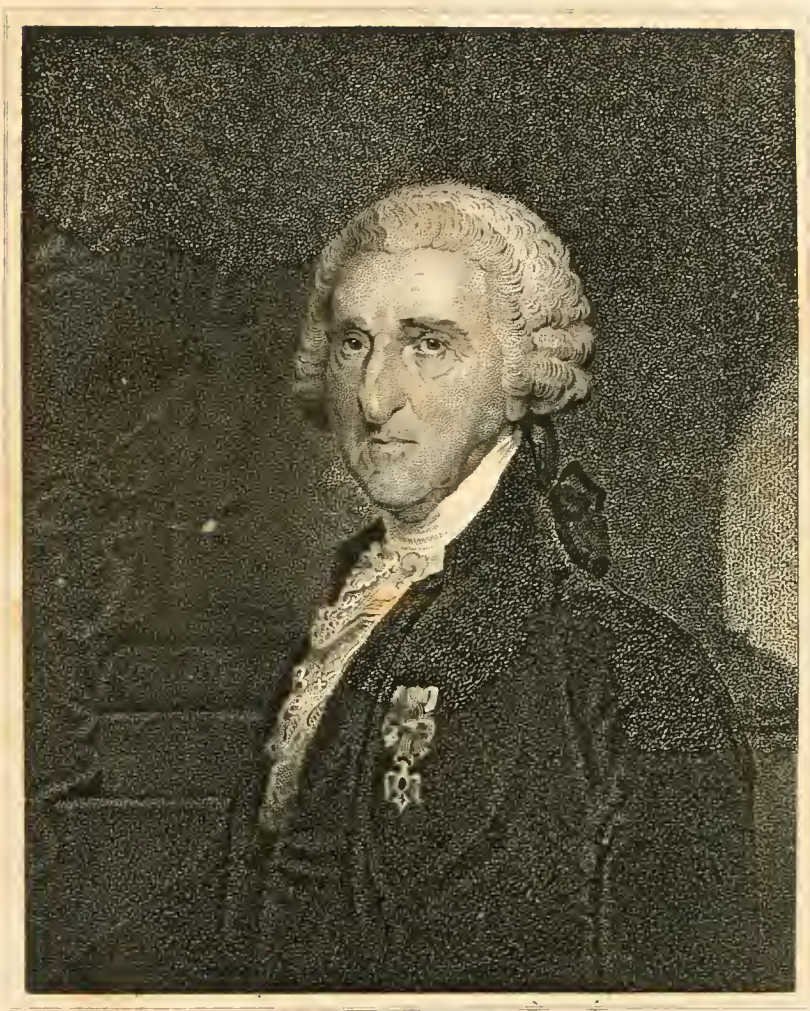
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THOMAS M^r KEAY.

Engraved by J.B. Longacre from the Portrait by G. Stuart.

THOMAS M'KEAN.

THE lives of most men pass away unobserved, unheeded and unknown, out of the particular family circle to which they are attached. They spring into existence, and sink into the grave, amid the general mass of perishable matter, without seeking to separate themselves from it, or to be distinguished, by a distinct course, from the cradle to the tomb. Those who emerge from this general obscurity, and become eminent for their talents and virtues, are characters peculiarly adapted for the delineation of the historical pencil, because their example may prove useful to others.

Few of the splendid luminaries which have adorned the political firmament of the republic, possess stronger claims to this distinction than THOMAS M'KEAN. Living in turbulent and tempestuous times, beset with trials and difficulties, frequently assailed by the ambition, the envy, and the malice, of powerful individuals, and the flattery or hatred of different parties, he served in public stations of government for the long term of fifty years, during which, he uniformly retained his fortitude and integrity, and the well-merited confidence of his fellow citizens.

THOMAS M'KEAN was born on the nineteenth of March, 1734, in the township of New London, county of Chester.

and the province of Pennsylvania. His father, William M'Kean, was a native of Ireland. and was united in marriage in this country, to Lætitia Finney, of the same nation. They had four children,—Robert, Thomas, Dorothea, and William.

After the customary elementary education in reading, writing, and arithmetic, the two eldest sons were placed under the tuition of the reverend Francis Allison, D. D., a man who, for more than forty years, supported the ministerial character with dignity and reputation, and to whom America is greatly indebted for that diffusion of light and knowledge, and that spirit of liberty and inquiry which has placed many of her sons upon a level with those of the oldest nations of Europe. Thomas was, at this time, nine years of age. When he had completed the regular course of instruction adopted in the celebrated institution of Dr. Allison, and acquired a sound knowledge of the languages, of the practical branches of the mathematics, rhetoric, logic, and moral philosophy, he went to Newcastle, in Delaware, and entered the office of his relative, David Finney, as a student at law. Some months afterwards, he engaged as a clerk to the prothonotary of the court of common pleas; a situation which enabled him to learn the practice, while he was studying the theory of the law. In about two years from this time, his assiduity and good conduct procured him the appointment of deputy prothonotary, and register for the probate of wills, &c. for the county of Newcastle, which he retained until he was twenty years of age: the whole duties of the office necessarily devolved on him, as his principal resided on his estate in the county of Sussex, nearly eighty miles from Newcastle.

So great was the reputation that Mr. M'Kean acquired, even in youth, by his industry and talents, that, before he

had attained the age of twenty-one years, he was admitted an attorney at law in the courts of common pleas for the counties of Newcastle, Kent, and Sussex, and also in the supreme court. Before the expiration of a year, he obtained a considerable share of business ; and, in 1756, was admitted to practise in the court of his native county of Chester, and soon afterwards, in the city and county of Philadelphia. In 1756, the attorney general, who resided in Philadelphia, appointed him, not only without any solicitation, but without any previous knowledge on his part, his deputy to prosecute the pleas of the crown in the county of Sussex : he resigned this office, after having for two years performed its duties with judgment and ability. In 1757, he was admitted to the bar of the supreme court of the province of Pennsylvania. The envy which the success of the young lawyer occasioned among some of his professional brethren, served merely as an additional spur to his industry, and increased his assiduity in the pursuit of legal knowledge. In the same year, he was elected clerk of the house of assembly, an honour of which he was unapprised until he received information of his appointment from Benjamin Chew, at that time speaker : in 1758, he was again appointed to the same station, but after that period, he declined a re-election. In 1762, he was selected by the legislature, together with Cæsar Rodney, to revise and print the laws passed subsequently to the year 1752, a duty which they speedily and satisfactorily executed.

In the same year, Mr. M'Kean first embarked on the stormy sea of politics, which he afterwards braved for nearly half a century. In October, 1762, he was elected a member of the assembly from the county of Newcastle, and was annually returned for seventeen successive years, although, during the last six years of that period, he resided in Phila-

delphia, and had frequently, through the medium of the public papers, communicated to his constituents his desire to decline the honour of a re-election. At length, on the first of October, 1779, on the day of the general election in Delaware, he attended at Newcastle, where he addressed his constituents in a long and eloquent speech, embracing a summary view of the situation and prospects of the United States, the aspect of the war, and the wisdom and perseverance of the national councils: he concluded by assigning satisfactory reasons for declining to be considered one of the candidates for the state legislature. Mr. M'Kean now received an honourable and interesting evidence of the confidence reposed in him by his fellow citizens. Soon after he had withdrawn, a committee of six gentlemen waited on him, in the name of the electors, and informed him that they would unwillingly dispense with his services in the assembly, but requested that, as the times were critical, and they could perfectly rely on his judgment, he would recommend seven persons in whom they might confide as representatives for that county. This novel mode of exhibiting their confidence, unavoidably excited some surprise, while it placed Mr. M'Kean in a very delicate situation. He immediately replied, that although the compliment was of the most flattering kind, he entreated the committee to make known to the electors his grateful acknowledgment of the honour intended him, but as he knew not only *seven*, but *seventy* of the gentlemen then present at the election, whom he considered worthy of their votes, he felt assured that they would not, on reflection, expose him to the hazard of giving offence to any of his friends, by the preference which he must necessarily show, in complying with their request. After hearing this reply, the committee retired; but soon after returned, and stated that the electors, after taking his objections into consideration, had unanimously resolved to

reiterate their request, accompanied by the assurance that the compliance, so far from offending any individual whatever, would be considered as an additional favour conferred on the county. Mr. M'Kean, accordingly, but with great reluctance, wrote down seven names, which he delivered to the committee, with the observation, that this act would at least evidence a reciprocity of confidence between them. The election resulted in the choice of the seven gentlemen whom he had thus named, the lowest on the ballot not wanting two hundred votes of all the electors present, who amounted to more than eighteen hundred.

Parties will exist in all popular governments. At the period when Mr. M'Kean first appeared in public life, Delaware was divided into two parties, designated by the names of court, and country. The leading members of the former were the governor, the officers of government, and expectants of office; the latter, of which Mr. M'Kean was a distinguished member, was composed of those who desired an independent judiciary, and impartial laws. The judges, magistrates, and every other officer in the province, held their commissions during the pleasure of the governor, or of some of his favourites. Hence, when a practising lawyer, as was generally the case, enjoyed this enviable situation, the judges of all the courts were evidently under an undue influence, and justice was frequently perverted.

In 1764, he was appointed, by an act of the legislature, one of the three trustees of the loan office for Newcastle county, for four years; which trust was renewed in the years 1768, and 1772. This species of loan was one of the most happy expedients for the encouragement of industrious settlers in a new country, and for the improvement of lands, that was ever invented.

After the conclusion of the war between Great Britain and France, in 1763, parliament made a grant of many thousand pounds sterling for the relief of the several colonies which had honourably exerted themselves during the conflict : and yet, in less than two years after the peace of Paris, the famous stamp act was passed, which, had it gone into operation, would not only have annually extorted an immense sum from the colonists, but subjected their property to the absolute disposal of men over whom they had no control, and who benefited themselves in proportion to the amount of taxes thus arbitrarily imposed on their fellow subjects in America. To avert, if possible, the impending evil, the assembly of Massachusetts Bay proposed to the legislative assemblies of the other colonies, to appoint delegates to a general congress, to consult together on the existing circumstances of the colonies ; to consider of a general and united, dutiful, loyal, and humble, representation of their condition, to his majesty, and to the parliament ; and to implore relief from the difficulties necessarily arising from the operation of the acts for levying duties and taxes on the colonies. This illustrious body, of which Mr. M'Kean was a member from the counties of Newcastle, Kent, and Sussex, on Delaware, assembled at New York, in October, 1765. Their proceedings discover a spirit of decision and firmness, totally irreconcilable with a state of servitude, and ready to adopt every expedient for relief, which prudence could suggest, or fortitude achieve. These struggles, with the difficulties which the people encountered in forming a convention, unknown to the laws, and opposed by the royalists invested with power, were honourable to the cause, and to its agents. With an eye steadily fixed on freedom, and minds chafed with the superciliousness of mercenary minions of oppression, they nobly resolved to systematise an opposition to the growing tyranny of the mother country.

They did so ; and therein generated a spirit of *union*, which finally brought about the independence of the country, and led to the establishment of its present happy constitution. But, although such was the character of the great majority of the assembly, it possessed, upon the whole, much less fortitude than the succeeding congress of 1774 ; in fact, certain members appeared as timid as if engaged in a traitorous conspiracy. Among the most conspicuous characters, James Otis appeared to be the best and boldest speaker : he was nominated as president of the congress, but brigadier Timothy Ruggles succeeded by one vote, owing to the number of the committee from New York, the members then voting individually. Before the commencement of the proceedings, however, it was made a *sine qua non* on the part of Mr. M'Kean, and resolved accordingly, that the committee of each colony should have one voice only, in determining any questions that should arise in the congress. He was selected, with Mr. Livingston and Mr. Rutledge, to inspect and correct their proceedings and minutes ; and appointed, with Mr. Lynch and Mr. Otis, to prepare an address to the house of commons. He displayed, on every occasion, that unbending firmness and energy which characterized his subsequent public conduct.

The stamp act congress, as it was called, having framed a declaration of rights and grievances, together with an address to his majesty, and memorials to the lords and commons, was dissolved on the twenty-fourth of October, 1765. A few members of this body were either suspected of being inimical to its designs, or acted in such a manner as if they were more desirous of ingratiating themselves with the British ministry, than serving their country. When the business was concluded, and on the last day of the session, the president, and some timid members, refused to sign the proceedings. Mr. M'Kean then rose, and addressing himself per-

sonally to the president, remarked, that as he had not made a solitary objection to any of the measures which had been finally adopted, nor a single observation indicative of disapprobation, he requested that he would now assign his reasons for refusing to sign the petitions. To this demand, the president replied, that he did not conceive himself bound to state the cause of his objections. Mr. M'Kean rejoined, that the gentlemen present had met together to endeavour to obtain the repeal of an unconstitutional and oppressive act of the British parliament, and a redress of other grievances ; that, as unanimity and harmony had hitherto prevailed amongst them, it appeared very extraordinary that any member should refuse to affix his name to what he had at least apparently approved, without any excuse, or observation, on the occasion ; and that, if there was any thing treasonable, offensive, or indecent, in their proceedings, he thought it would be an act of comity, nay of duty, to advise his brethren of it : other delegates spoke briefly to the same purport. Thus pressed to an explanation, the president, after a long pause, observed, that "it was against *his conscience*." Mr. M'Kean now rung the changes on the word *conscience* so long and loud, that a plain challenge was given and accepted, in the presence of the whole congress ; but the president departed from New York the next morning before the dawn of day. Mr. Robert Ogden, then speaker of the house of assembly of New Jersey, also refused to sign the petitions, although warmly solicited by Mr. M'Kean in private, as well as by his colleague, colonel Borden. The great mass of the people were, at this time, zealous in the cause of America. Hence, Mr. Ogden was desirous of concealing, for some time, the adverse part which he had taken in the proceedings of the congress. He accordingly requested colonel Borden not to mention the circumstance among his more immediate constituents, and to

use his influence with Mr. M'Kean, his son in law, to prevail on him to pursue the same course : but the latter would promise nothing more, than not to mention the matter as he passed through New Jersey, unless the question was put to him. The question was asked : in several different towns, he was requested to state the names of the gentlemen who had not signed the petitions, which he did without hesitation. In a few days, the speaker was burned in effigy in the town in which he resided, as well as in several others, and at the next meeting of the general assembly, he was removed from the office of speaker : the consequences to Mr. M'Kean were menaces of another challenge, not more fatal than the former.

On his return to Newcastle, he, with his colleague Mr. Rodney, reported their proceedings to the assembly of Delaware, and received the unanimous thanks of that house, for the energy and ability with which they had discharged their duties in the congress.

Mr. M'Kean continued to be engaged in various public employments. On the tenth of July, 1765, he was appointed by the governor, sole notary, and tabellion public, for the lower counties on Delaware ; and, in the same year, received the commission of a justice of the peace, and of the court of common pleas and quarter sessions, and of the orphan's court, for the county of Newcastle. In November term, 1765, and February term, 1766, he sat on the bench which ordered all the officers of the court to proceed in their several duties, as usual, on *unstamped paper*: this was accordingly done ; and it is believed that this was the first court in the colonies that established such an order.

In 1766, he was licensed by the governor of New Jersey, on the recommendation of the judges of the supreme court, to practise as a solicitor in chancery, attorney at law, and counsellor, within all the courts in that province. In 1769,

he was selected by the assembly to proceed to New York, and there to obtain copies of all documents relating to real estates in the lower counties on Delaware, prior to the year 1700; he faithfully discharged this duty, and the copies thus procured were established, by a law, as of equal authority with the original records. In 1771, he was appointed by the commissioners of his majesty's customs, collector of the port of Newcastle; and in October, 1772, he was chosen speaker of the house of representatives.

Owing to a change of ministers in the British cabinet, and the apprehension of a serious opposition on the part of the colonies, the stamp act was repealed; but, at the same time, an act was passed, maintaining the right of the parliament to bind the colonies by law in all cases whatsoever. Two years had not elapsed from this period, before the government resolved to test this right, and derive a revenue from their colonies, by imposing a duty on the importation of teas, paper, painter's colours, and glass, which were prohibited from any other place than Great Britain. The impost was so small, that little opposition was anticipated: but there were patriots in the colonies who had not forgotten the stamp act; who deeply reflected on the consequences of submission, and who were fully aware that it would be established as a precedent, and that many an error, by the same example, would creep into the state. A correspondence accordingly took place among leading and influential characters throughout the continent; a powerful opposition was organised; and measures concerted to render it effectual. Public meetings were held in the principal commercial towns, and it was finally agreed, that the colonies should appoint delegates from their respective houses of assembly, to meet in Philadelphia, on the fifth of September, 1774. Firm and decided, uniform and energetic, in resisting the usurpations of the

British crown, Mr. M'Kean, as he had before done in 1765, took an active part in the preparatory measures which led to the meeting of this congress; and was appointed a delegate from the lower counties on Delaware, although he had, a short time before, removed his residence permanently to Philadelphia.

An important era, not only in the history of America, but of man, had now arrived. Great events may not create, but they always will elicit and excite ability, and bring dormant talents into active operation; and, although the principal part of his life had hitherto been employed in laborious official engagements, Mr. M'Kean soon found that the times now required all the exertions of his mental and physical powers. On the fifth of September, he took his seat in the august assemblage, of which he became an invaluable ornament; and from that day, his country claimed him as her own. He was annually elected a member, until the first of February, 1783; serving in the great national council during the long, and uninterrupted, period of eight years and a half.

Two remarkable circumstances, connected with this epoch, are peculiar to the life of Mr. M'Kean. In the first place, he was the only man who was, without intermission, a member of the revolutionary congress, from the time of its opening, in 1774, until after the preliminaries of the peace of 1783 were signed: for, notwithstanding he was also engaged in other important public affairs, his residence in Philadelphia induced his constituents to continue to return him. It may be added, however, as a case very similar, that Roger Sherman, a delegate from Connecticut, was a member of congress from the time of its first sitting, in September, 1774, until the month of February, 1782, and what is more remarkable, he was a member during the long period of nineteen years, except when the laws required a rotation in office.

The other circumstance is, that while he represented the state of *Delaware* in congress, until 1783, and was, in 1781, president of it, yet, from July 1777, he held the office, and executed the duties, of chief justice of *Pennsylvania*. Each of these states claimed him as her own; and for each were his talents faithfully exerted.

Possessed of long tried ability and perseverance, apt in forming conclusions, and skilful in the details as well as general principles, of public business, Mr. M'Kean's career in congress embraced a series of unremitting and distinguished services. A few days after the first sitting, he was appointed one of the committee to state the rights of the colonies, the several instances in which those rights were violated or infringed, and the means most proper to be pursued for the restoration of them. He served diligently on the important secret committee to contract for the importation of arms and ammunition; and his talents were equally exerted in establishing the claims and accounts against the government; in superintending the finances of the states, and the emission of bills of credit; in hearing and determining on appeals brought against sentences passed on libels in the courts of admiralty; and in a variety of important and secondary transactions, connected with the general business of congress. On the twelfth of June, 1776, he was appointed a member of the committee to prepare and digest the form of a confederation to be entered into between the colonies: on the same day a draft was reported, which, after many postponements, amendments, and debates, was finally agreed to, on the fifteenth of November, 1777. The articles of confederation, however, owing to the objections made by the states, were not signed by a majority of their representatives, until the ninth of July, 1778. The delegates from New Jersey, Delaware and Maryland, then informed congress that they had not yet received

powers to ratify and sign the instrument. On the twenty-sixth of November following, New Jersey acceded to the confederation ; and on the twenty-second of February, 1779, Mr. M'Kean signed and ratified the articles, in behalf of the state of Delaware. At length, the state of Maryland empowered her delegates to subscribe and ratify the act of union, and its final ratification took place on the first of March, 1781.

It has already been remarked that the signatures on the Declaration of Independence do not, in more than one instance, merely indicate those who voted for it on the fourth of July, 1776 ; as several of the signers were not at that time in congress. But as regards some of the delegates another error also occurred, and among them Mr. M'Kean.

He was particularly active and useful in procuring the passage of the Declaration ; nevertheless, although his name is subscribed to the original instrument deposited in the office of the secretary of state, he does not appear as a subscriber to the copy published in the Journals of Congress. The late Mr. Dallas, in the course of the re-publication of the laws of Pennsylvania, wishing to compile an accurate copy of the Declaration of Independence, addressed a letter, on the nineteenth of September, 1796, to Mr. M'Kean, requesting to know why such a variance existed. The answer to this inquiry is a valuable historical record: it is dated at Philadelphia on the twenty-sixth of September 1796, and is in these terms:

“Sir—Your favour of the nineteenth instant, respecting the Declaration of Independence, should not have remained so long unanswered, if the duties of my office of chief justice had not engrossed my whole attention while the court was sitting.

“For several years past I have been taught to think less unfavourably of scepticism than formerly. So many things have been misrepresented, misstated, and erroneously printed, (with seeming authenticity,) under my own eye, as in my opinion to render those who doubt of every thing, not altogether inexcusable: The publication of the Declaration of Independence, on the fourth of July, 1776, as printed in the second volume of the Journals of Congress, page 241; and also in the acts of most public bodies since, so far as respects the names of the delegates or deputies who made that Declaration, has led to the above reflection. By the printed publications referred to, it would appear as if the fifty-five gentlemen, whose names are there printed, and none other, were on that day personally present in congress, and assenting to the Declaration; whereas, the truth is otherwise. The following gentlemen were not members of congress on the fourth of July, 1776; namely, Matthew Thornton, Benjamin Rush, George Clymer, James Smith, George Taylor, and George Ross. The five last named were not chosen delegates until the twentieth day of that month; the first not until the twelfth day of September following, nor did he take his seat in congress until the fourth of November, which was four months after. The Journals of Congress, (vol. ii. page 277 and 442,) as well as those of the assembly of the state of Pennsylvania, (p. 53,) and of the general assembly of New Hampshire, establish these facts. Although the six gentlemen named had been very active in the American cause, and some of them, to my own knowledge, warmly in favour of independence, previous to the day on which it was declared, yet I personally know that none of them were in congress on that day.

“Modesty should not rob any man of his just honour, when by that honour, his modesty cannot be offended. My name is not in the printed journals of congress, as a party

to the Declaration of Independence, and this, like an error in the first concoction, has vitiated most of the subsequent publications, and yet the fact is, that I was then a member of congress for the state of Delaware, was personally present in congress, and voted in favour of independence on the fourth of July, 1776, and signed the declaration after it had been engrossed on parchment, where my name, in my own handwriting, still appears. Henry Wisner, of the state of New York, was also in congress, and voted for independence. * * * I do not know how the misstatement in the printed journal has happened. The manuscript *public* journal has no names annexed to the Declaration of Independence, nor has the *secret* journal ; but it appears by the latter, that on the nineteenth day of July, 1776, the congress directed that it should be engrossed on parchment, and signed by *every member*, and that it was so produced on the second of August, and signed. This is interlined in the *secret* journal, in the hand of Charles Thompson, the secretary. The present secretary of state, of the United States, and myself, have lately inspected the journals, and seen this. The journal was first printed by Mr. John Dunlap, in 1778, and probably copies, with the names then signed to it, were printed in August, 1776, and that Mr. Dunlap printed the names from one of *them*.

“I have now, sir, given you a true, though brief, history of this affair ; and, as you are engaged in publishing a new edition of the Laws of Pennsylvania, I am obliged to you for affording the favourable opportunity of conveying to you this information, authorising you to make any use of it you please. I am, &c.”

In the year 1776, Delaware was represented in congress by Cæsar Rodney, George Read, and Thomas M'Kean.

Mr. Rodney was not present when the question of independence was put, in a committee of the whole, on the first of July. Mr. M'Kean voted for, and Mr. Read against it. Delaware was thus divided. When the president resumed the chair, the chairman of the committee of the whole made his report, which was not acted upon until Thursday, the fourth of July. Every state, excepting Pennsylvania and Delaware, had voted in favour of the measure, but it was a matter of great importance to procure an unanimous voice. Mr. M'Kean, therefore, without delay, despatched an express, at his private expense, for Mr. Rodney, who was then in Delaware. That gentleman hastened to Philadelphia, and was met at the door of the state house, in his boots and spurs, by Mr. M'Kean, as the members were assembling on the morning of the fourth. After a friendly salutation, but without exchanging a word on the subject of independence, they entered the hall together, and took their seats. They were among the latest in attendance; the proceedings immediately commenced, and, after a few minutes, the great question was put. When the vote of Delaware was called, Mr. Rodney rose, and briefly expressing his conviction that the welfare of his country demanded the declaration, voted with Mr. M'Kean, and secured the voice of Delaware. Two of the members of the Pennsylvania delegation, adverse to the measure, being absent, that state also united in the vote, by a majority of one. By these means, the Declaration of Independence became the unanimous act of the thirteen states. Mr. M'Kean being engaged in military services, was not present in congress during several months next succeeding the fourth of July, 1776; and it was not until the month of October, that he had an opportunity of affixing his signature to the declaration, *engrossed on parchment*, as di-

rected by a resolution of congress subsequent to his necessary departure from Philadelphia.

Mr. M'Kean was president of the convention of deputies from the committees of Pennsylvania, held at the Carpenter's Hall, in Philadelphia, in June, 1776, who unanimously declared their willingness to concur in a vote of the congress, declaring the United States free and independent states. He was one of the committee, with Dr. Franklin, and two other deputies, which drafted that declaration; on the twenty-fourth of June, he signed it in behalf of the state of Pennsylvania; and on the succeeding day, delivered it to congress, in the name of the convention. The regiment of associators, of which he was colonel, had, in the preceding month of May, unanimously made a similar declaration.

On the fifth of July, 1776, he was chosen chairman, at a conference of the delegates in congress, for the states of New York, New Jersey, and Pennsylvania. In the same year, he was also chairman of the committee of safety of Pennsylvania, and of the committee of inspection and observation for the city and liberties of Philadelphia.

Mr. M'Kean, at this time, was colonel of a regiment of associators of the city of Philadelphia. At a conference held on the fifth of July, 1776, between a committee of congress appointed for the purpose, and the committee of safety of Pennsylvania, the committee of inspection and observation for the city and liberties of Philadelphia, and the field officers of the five battalions of that city, it was agreed that all the associated militia of the state, with certain exceptions, who could be furnished with arms and accoutrements, should immediately march, with the utmost expedition, to New Jersey, and continue in service until a flying camp, of ten thousand men, could be collected to relieve them. In consequence

of these resolutions, Mr. M'Kean, a few days after the declaration of independence, marched at the head of his battalion, to Perth Amboy, in New Jersey, to support general Washington. Although, during his term of service, no regular engagement took place, he was sometimes exposed to considerable danger, in the skirmishes, or rather cannonading, which occurred. An instance of this nature is related by himself, in a letter dated Head Quarters, Perth Amboy, July 26th, 1776. The lines of the enemy were about six hundred yards distant. Several shallops were descried sailing along the opposite shore towards the enemy's men-of-war. Colonel M'Kean had received orders to hold his battalion in readiness to march into town at a minute's warning, and the men were immediately under arms. "I left them," he remarks, "under lieutenant-colonel Dean, to be marched to town, whilst I mounted my horse, and waited on the general for orders. On the road, which is a straight and wide lane, (something like Market street,) all the way from the camp to the Sound, and in a line with the enemy's batteries, about twenty cannon balls flew close to me, sometimes on one side, sometimes on the other, and some just over my head. I confess, I was not a little alarmed, being the first time that I had ever heard a cannon ball, but clapped spurs to my horse, and rode on amidst the balls for the general's, where orders had just been issued to halt the battalion: I was going to execute them, when, on turning round, I saw a horse shot through the neck with a four-pounder, within much less distance than the width of Market Street, from me. The fire was so incessant, and so direct on the street that I had to return, that some gentlemen entreated me to wait a short time; but, as the troops under my care were in full march, and colonel Miles's battalion close behind them,

I thought it my duty to stop them, as some of them otherwise would probably be killed, without a chance of effecting any beneficial service. On my return, I found the fire hotter than before, the enemy then playing from three batteries of three or four guns each ; but, through God's favour, I escaped unhurt, and marched the troops to the camp."

After the flying camp was completed, the associators were discharged, and Mr. M'Kean returned to Philadelphia, when he resumed his seat in congress, and signed the Declaration of Independence, on parchment. Finding that he had been elected a member of the convention for forming a constitution for the state of Delaware, he, in two days, departed for Dover, which he reached in one day. Immediately on his arrival, after a fatiguing ride, a committee of gentlemen waited on him, and requested that he would prepare a constitution for the future government of the state. To this he consented. He retired to his room in the tavern, sat up all the night, and having prepared it without a book, or any assistance whatever, presented it, at ten o'clock next morning, to the house, when it was unanimously adopted.

In the year 1777, Mr. M'Kean acted in the double capacity of president of the state of Delaware, and chief justice of Pennsylvania. "I have had," he remarks in a letter to John Adams, dated November 8th, 1779, "my full share of the anxieties, cares and troubles, of the present war. For some time, I was obliged to act as president of the Delaware state, and as chief justice of this: general Howe had just landed (August, 1777,) at the head of Elk river, when I undertook to discharge these two important trusts. The consequence was, to be hunted like a fox by the enemy, and envied by those who ought to have been my friends. I was compelled to remove my family five times in a few months,

and, at last, fixed them in a little log house on the banks of the Susquehannah, more than a hundred miles from this place: but safety was not to be found there, for they were soon obliged to remove again, on account of the incursions of the Indians."

On the twenty-eighth of July, 1777, he received from the supreme executive council, the commission of chief justice of Pennsylvania, and performed the duties of that high station with distinguished zeal and fidelity, for twenty-two years. At the time of his appointment, he was speaker of the house of assembly, president of Delaware, and a member of congress.

The following remarks on this appointment are extracted from his letter to John Dickinson, dated Newark, August 15th, 1777: "When I was in Philadelphia, about a fortnight ago, the office of chief justice was offered to me in the politest manner. Two of my friends were rather against my accepting it; many others pressed me to it, in the warmest manner. Upon the whole, to prevent the least suspicion that I was against any government but such as I framed myself, and that I wanted to embroil the state, and occasion disaffection to the common cause, &c. &c. which had been liberally propagated; and to evidence that I had nothing in view but to promote the happiness of my country, I thought it my duty (though manifestly against my interest) to imitate the great lord Hale, when pressed to the like by Cromwell, and was, for the same, and better reasons, prevailed with to accept it."

The burden of public affairs now fell heavily on Mr. M'Kean; and he became more and more solicitous to be relieved from his congressional duties. In a letter to the legislature of Delaware, dated December 25th, 1780, he thus por-

trays his situation: "I find that my health and fortune are impaired by my unremitting attention to public affairs: what I undertake to perform, I do with all my might; and having very little relief in attending congress, I find that this, the discharging the duties of chief justice, &c. &c. are more than I can perform to my own satisfaction. Besides, the rank I am obliged to maintain is greater than comports with my finances. I must, therefore, beg of you, to appoint some gentlemen as delegates, who will attend in congress at such times as I am obliged to be on the circuit, or in court, and who will also relieve me occasionally at other times, and permit that relaxation which is absolutely necessary for the mind as well as the body; otherwise, that the general assembly would be pleased to excuse me the honour, in future; which is my ardent wish." It is a proof of the disinterested principles by which the public men of that period were guided, that Mr. M'Kean had never received, in any year, as much emolument, as a delegate, as would defray his personal expenses, while engaged in the service; and that, during the last two years, (1779 and 1780,) he had not been offered, or received, a farthing. His resignation, however, was not accepted, and he continued his duties as a delegate from Delaware.

On the tenth of July, 1781, he was, on the resignation of Samuel Huntington, elected president of congress. On the twenty-third of October, 1781, he addressed the following letter to the secretary:

"Sir—I must beg you to remind congress, that when they did me the honour of electing me president, and before I assumed the chair, I informed them, that as chief justice of Pennsylvania, I should be under the necessity of attending the supreme court of that state, in the latter end of Septem-

ber, or at farthest, in October. That court will be held to-day. I must therefore request, that they will be pleased to proceed to the choice of another president. I am, sir, &c."

Congress accepted the resignation of Mr. M'Kean, but postponed the election of a president until the next day, when, on motion of Dr. Witherspoon, it was unanimously resolved, that Mr. M'Kean be requested to resume the chair, and act as president, until the first Monday in November, the resolution of the previous day, accepting his resignation, notwithstanding. To this measure he acceded. On the fifth of November, John Hanson was elected president; and on the seventh, it was "*Resolved*, that the thanks of congress be given to the honourable Thomas M'Kean, late president of congress, in testimony of their approbation of his conduct in the chair, and in the execution of public business." This honourable testimonial was conveyed to Mr. M'Kean, in the following flattering communication from his successor, who was well qualified to pass a correct judgment on the merits and conduct of his predecessor.

"Sir—It is always a pleasing task to pay a just tribute to distinguished merit. Under this impression, give me leave to assure you, that it is with inexpressible satisfaction I present you the thanks of the United States in congress assembled, in testimony of their approbation of your conduct in the chair, and in the execution of public business; a duty I am directed to perform by their act of the seventh instant, a copy of which I have the honour of enclosing.

"When I reflect upon the great abilities, the exemplary patience, and unequalled skill and punctuality, which you so eminently displayed in executing the important duties of president, it must unavoidably be productive of great apprehen-

sions in the one who has the honour of being your successor. But the choice of congress obliges me, for a moment, to be silent on the subject of my own inability ; and, although I cannot equal the bright example that is recently set me, yet it shall be my unremitting study to imitate it as far as possible ; and, in doing this, the reflection is pleasing, that I shall invariably pursue the sacred path of virtue, which alone ought to preserve me free from censure. I have the honour to be, &c."

It may be assumed as a fact, strengthened by daily experience, that those men who are mere passive beings, will have neither friends nor enemies ; while those who are active, will have both : and, whether a man does right or wrong, he may always expect to be blamed by his enemies. Hence, a great clamour attended the elevation of Mr. M'Kean to the presidency of congress. His acceptance of that station, while holding the office of chief justice, aroused the sleeping lions who would otherwise, in all probability, have dozed on, regardless both of their constitution and country. The press teemed with essays on the subject, maintaining both sides of the question, in which the advocates of Mr. M'Kean enjoyed a manifest advantage. It was evident that the authors of the outcry were incited by envy or ambition, and not by virtue or love of country ; because, if his seat in congress was illegal at all, it was as much so before he was made president, as afterwards. When he was appointed chief justice, in 1777, he was speaker of the house of assembly, soon after commander in chief, and from that time until his election to the chair of congress, constantly a delegate from the state of Delaware. It is not easy, moreover, to imagine, what right the state of Pennsylvania had to complain of his

conduct. The state of Delaware did not, in the first instance, appoint the chief justice of Pennsylvania one of their delegates in congress; but it was the state of Pennsylvania that appointed one of the delegates of Delaware, then in congress, to be their chief justice: how, then, could the blame of the transaction (even if it were blamable,) be imposed on Mr. M'Kean? On the general question, whether he was acting in violation of the constitution, it was argued, that although the judges of the supreme court of Pennsylvania were not allowed to sit in congress, as members from that state, or in its executive council or general assembly, yet they were not excluded from sitting in the congress, or council, senate or assembly, for any other state; that the convention never had either the power or inclination to direct the governments of other states, nor to restrain them from employing whom they thought proper, in their offices of trust or profit; that, in fine, there was neither any law nor reason, why a judge of Pennsylvania could not hold any office whatsoever, which was not derived from the state of Pennsylvania. Numerous precedents may be cited in justification of Mr. M'Kean's conduct, in retaining his seat in congress. William Henry Drayton served in congress two years, during which time he was chief justice of the state of South Carolina. William Paca was, at the same time, chief justice, and a member of congress for the state of Maryland. John Jay was chief justice of New York during the time he was president of congress. Samuel Huntington, the predecessor of Mr. M'Kean as president of congress, was, during the whole time, a justice of the supreme court for Connecticut. And to crown the whole, several of the actual members of congress, were, at that time, justices of the supreme court in their respective states. Hence it is apparent, that the mo-

tives which originated the clamour against the chief justice of Pennsylvania, were any thing else than honest or patriotic.

Independent in his principles and conduct, Mr. M'Kean, as chief justice of Pennsylvania, performed the duties of his office with impartiality and inflexibility. During the progress of the revolution, Philadelphia being the seat of the general government, and an object of peculiar watchfulness on the part of the enemy, the just performance of Mr. M'Kean's judicial functions required not only the learning of the lawyer, but the unyielding spirit of the patriot. Proclaiming from the bench, the law of justice and his country, with distinguished learning, ability, and integrity, neither fear nor power could bend him from the stern line of duty. Regardless of the powers of the crown of Great Britain, he did not hesitate to hazard his own life, by causing to be punished, even unto death, those who were proved to be traitors to their country. Such was the miserable fate of Roberts and Carlisle, the lamented victims of inflexible justice. Abraham Carlisle was a carpenter in Philadelphia. When the British took possession of that city, he received a commission from sir William Howe, to watch and guard the gates, with the power of granting passports. John Roberts joined the British standard at the same time; and the overt act of aiding and assisting the enemy by joining their armies, was "legally and satisfactorily proved." The trials of these unfortunate men took place in September, 1778, and being both convicted of high treason, they were, a short time afterwards, executed.

But no popular excitement against individuals accused of offences could, in the slightest degree, divert him from the firm and inflexible discharge of his public duty. His decision in favour of Samuel Chapman, which may be seen in

the first volume of Mr. Dallas's reports, evinced the soundness of his judgment, and the disdain he felt for the popular clamour, excited by the occasion. Chapman was attainted of high treason, in April term, 1781, for not having surrendered himself on the first of August, 1778, as required by a proclamation issued by the supreme executive council, in pursuance of the act of assembly, passed the sixth of March, 1778. The charge of the chief justice, which resulted in the acquittal of the defendant, was learned and circumstantial, embracing a lucid exposition of the law, and exciting the unequalled admiration of his professional brethren, while it dissatisfied and disappointed those men of violence who thirsted after blood.

Soon after his appointment to the office of chief justice, an incident occurred, evincing in bold relief the independent principle of action which guided his judicial career. Twenty persons were confined in the Free Mason's lodge at Philadelphia, on treasonable charges; and the popular excitement against them was extremely violent. Application was made to the chief justice, for writs of habeas corpus in their behalf, which were granted. This act, at a period of peculiar public agitation, created great dissatisfaction among the more violent whigs, in which many members of congress participated. So marked, indeed, was their displeasure, that Mr. M'Kean, esteeming the good opinion of good men next to the approbation of a good conscience, considered himself called upon to justify his proceedings, in a letter to John Adams, dated nineteenth September, 1777, in which he stated the reasons of his conduct, and requested Mr. Adams, by a candid explanation, to remove the impressions that had been created. The writs were applied for in form, agreeably to the directions of the English statute, and the only au-

thority for the confinement of the prisoners, known to Mr. M'Kean, was the copy of a letter from the vice-president to colonel Lewis Nicola. His situation, at the time, was such that he had not received a letter, nor seen a newspaper, from Philadelphia, for a fortnight ; nor could he learn any particulars of the affair, except from the two persons who presented the writs, and who offered to him a pamphlet written by the prisoners, stating their case : this he refused to read or accept, observing that he would determine on the returns to be made to the writs, and nothing else. The habeas corpus act formed a part of the code of the Pennsylvania laws, and has always and justly been esteemed the palladium of liberty. Before that statute, the habeas corpus was considered to be a prerogative writ, and also a writ of right for the subject ; and, if the king and his whole council committed any subject, yet, by the opinion of all the judges, in times when the rights of the people were not well ascertained, nor sufficiently regarded, a habeas corpus ought to be allowed and obeyed. And the distinction was, that in such case, *upon the return*, the prisoner was to be remanded ; but, if the commitment was by *part* of the lords of the council, he was to be bailed ; and if not for a legal cause, he was to be discharged. By the statute, all discretionary power in the judges was taken away, and a penalty of five hundred pounds sterling imposed, for a refusal, in the vacation, to allow the writ : so that, if Mr. M'Kean had so soon forgotten the oath which he had, a few days before, taken, common prudence would have taught him neither to incur the forfeiture of ten thousand pounds, nor to subject himself, as a judge, to the just censure of the judicious and dispassionate ; the more especially when no injury could arise from returning the writs, and bringing the parties before him, (except a

little delay,) the expense being borne wholly by the prisoners, agreeably to the statute. If, upon the return of the process, he had shown any partiality towards the prisoners, or sought occasion to favour men who were inimical to a cause, which he had espoused with as much sincerity, and supported with as much zeal as any individual in the country, then, indeed, he might have been deservedly blamed and stigmatised; but previous to this, censure, to say no more, was premature, and injudiciously bestowed. “*Fiat justitia ruat cælum*,” he remarks, “is a sentiment which pleases me; and faithful judges ought not to be subjected to unnecessary difficulties.”

His firmness in the execution of the laws is exemplified by another striking example. In 1778, he issued a warrant against colonel Robert L. Hooper, a deputy quarter master, charging him with having libelled the magistrates of Pennsylvania, in a letter to Gouverneur Morris, and directing the sheriff of Northampton county to bring him before him at Yorktown. Colonel Hooper waited on general Greene, then quarter master general, to inquire whether the circumstances of the army would admit of his absence. General Greene, in a letter to Mr. M'Kean, dated Camp, Valley Forge, third June, 1778, observed, among other things relative to the subject, that, as the army was just on the wing, he could not, without great necessity, “*consent*” to colonel Hooper’s being absent, as there was no other person who could give the necessary aid on that occasion; and he requested, that Hooper might enter into a recognizance, with ample sureties to appear at any court where he was legally answerable. This direct interference of the military with the civil authority, roused the official spirit of the chief justice, and occasioned the following severe, but just answer, written at Yorktown, and dated on the ninth of June :

“Sir—I have just now received your favour of the third instant, and am not a little surprised that the sheriff of Northampton county should have permitted colonel Robert L. Hooper, after he was arrested by virtue of my precept, to wait upon *you*, until he had appeared before *me*.

“You say, sir, ‘colonel Hooper waited upon me to communicate his situation, and to know if the circumstances of the army would admit of his absence; but as the army is just upon the wing, and part of it will, in all probability, march through his district, I could not, without great necessity, *consent* to his being absent, as there is *no other person* that can give the necessary aid upon this occasion.’

“I do not think, sir, that the absence, sickness, or even death, of Mr. Hooper, could be attended with such a consequence that *no other person* could be found, who could give the necessary aid upon this occasion: but, what attracts my attention the most, is your observation that *you* cannot, without great necessity, *consent to his being absent*. As to that, sir, I shall not ask *your consent*, nor that of any other person, in or out of the army, whether my precept shall be obeyed or not, in Pennsylvania.

“The warrant for the arrest of Mr. Hooper being special, no other magistrate can take cognizance thereof but myself. The mode you propose, of giving bail, cannot be adopted, for many reasons.

“I should be very sorry to find that the execution of criminal law should impede the operations of the army, in any instance; but much more so, to find the latter impede the former. I am, &c.”

There is a strain of inflexible firmness, and unshrinking dignity, pervading this letter, admirably illustrative of the whole course of his judicial conduct.

Mr. M'Kean industriously devoted himself to the discharge of the duties of chief justice until the year 1799, when he was elected governor of the commonwealth of Pennsylvania. In all the qualifications of the judge, it may, without hesitation, be said, that he had few equals in this, or any other country. The dignity which the supreme court of Pennsylvania preserved, and the reverence which it inspired, while he presided over it, are still spoken of in high terms by those who remember it, and his judicial opinions, at a period when the law of the state was unsettled, and when a master mind was requisite to reduce it to a system, have established for him the reputation of being one of the ablest lawyers of his country. His memory is, to the present day, held in profound respect and veneration, in the courts of justice, and successive judges have, by their unvarying testimony, given unfading lustre to his judicial fame. "Chief justice M'Kean," observes a late judge of the supreme court of Pennsylvania, "was a great man : his merit in the profession of the law, and as a judge, has never been sufficiently appreciated. It is only since I have been upon the bench, that I have been able to conceive a just idea of the greatness of his merit. His legal learning was profound and accurate ; but, in the words of the poet,

Materiam superabat opus—— ;

The lucidity of his explication, and the perspicuity of his language, which is the first excellence in the communication of ideas, was perfect ; but I never saw equalled, his dignity of manner in delivering a charge to a jury, or on a law argument, to the bar. But what is still more, his comprehension of mind in taking notes, so as to embrace the *substance*, and yet omit nothing *material*, has appeared to me inimitable."

The attempt to impeach the conduct of Mr M'Kean, as chief justice, in 1788, requires particular explanation. Eleazer Oswald, editor of the Independent Gazetteer, published an address to the public, manifestly tending to interrupt the course of justice, and attempting to prejudice the minds of the people, in a cause then depending, in which he was defendant ; and by that means, striving to defeat the plaintiff's claim to justice, and to stigmatise the judges whose duty it was to administer the laws. For this contempt of court, as it was determined by the unanimous opinion of the four judges, he was sentenced by the court to pay a fine of ten pounds to the commonwealth, and to "be imprisoned for the space of one month, that is, *from the fifteenth day of July to the fifteenth day of August.*" The sentence, on the point of imprisonment, was entered on the record, "*for the space of one month,*" without taking notice of the explanatory words used by the court : ("*from the fifteenth day of July to the fifteenth day of August.*") At the expiration of the legal month, (*twenty-eight-days,*) Mr. Oswald demanded his discharge ; but with this, the sheriff, who had heard the sentence pronounced, refused to comply, until he had consulted the chief justice. Mr. M'Kean, remembering the meaning and words of the court, told this officer at first, that he was bound to detain his prisoner till the morning of the fifteenth of August : but having shortly afterwards examined the record, he wrote to the sheriff, that Mr. Oswald, agreeably to the entry there, was entitled to his discharge.

On the fifth of Septemoer, 1788, Mr. Oswald presented a memorial to the general assembly, in which he stated the proceedings against him, complained of the decision of the court, and of the direction of the chief justice to the sheriff, by which, he alleged, his confinement had afterwards been

illegally protracted. He, finally, called upon the house to determine "whether the judges did not infringe the constitution in *direct* terms, in the sentence they had pronounced; and whether, of course, they had not made themselves proper objects of impeachment." The assembly resolved itself into a committee of the whole, to hear the evidence in support of the charges exhibited; and three days were consumed in the examination of witnesses. William Lewis, as a member of the house, then delivered an elaborate argument, in vindication of the conduct of the judges; and, after a long, learned, and eloquent speech, concluded by observing, that, upon the whole, the only grounds of impeachment were bribery, corruption, gross partiality, or wilful and arbitrary oppression; and as none of these had been proved, Mr. Oswald's memorial ought to be dismissed; that it would be preferable to return to a state of nature, than to live in a state of society upon the terms which that memorial presented;—terms, which left the weak and the innocent a prey to the powerful and the wicked; and which gave to falsehood and licentiousness, all that was due to freedom and to truth. Mr. Findley next rose, and delivered his sentiments with ability and precision, in opposition to Mr. Lewis's argument. When he had concluded, Mr. Fitzsimmons submitted the following resolution:

"*Resolved*, That this house, having, in a committee of the whole, gone into a full examination of the charges exhibited by Eleazer Oswald, of arbitrary and oppressive proceedings in the justices of the supreme court against the said Eleazer Oswald, are of opinion, that the charges are unsupported by the testimony adduced, and, consequently, that there is no just cause for impeaching the said justices."

The proposition contained in this resolution, gave rise to a short, but animated conversation. On the one hand it was

said, that, in admitting that there was no ground of impeachment, it was not intended to concede that the facts represented in the memorial had not been proved : and, on the other hand, it was answered, that if there had been proof that the memorialist, according to the complaint, "was immured in prison, without even the shadow of a trial, for an imaginary offence," it would have been the indispensable duty of the legislature to vote for an impeachment. A compromise, at length, took place, and the committee of the whole agreed to report the following resolution :

"Resolved, That the charges exhibited by Mr. Eleazer Oswald against the justices of the supreme court, and the testimony given in support of them, are not a sufficient ground for impeachment."

But, when this report was called up for the decision of the house, it was postponed, (and consequently lost,) on motion of Mr. Clymer, in order to introduce the resolution originally proposed by Mr. Fitzsimmons in the committee. Mr. Findley then claimed the attention of the members, and presented the following resolutions to the chair, to supersede Mr. Clymer's motion :

"Resolved, That the proceedings of the supreme court against Mr. Eleazer Oswald, in punishing him by fine and imprisonment, at their discretion, for a constructive or implied contempt, not committed in the presence of the court, nor against any officer, or order, thereof, but for writing and publishing improperly, or indecently, respecting a cause depending before the supreme court, and respecting some of the judges of said court, was an unconstitutional exercise of judicial power, and sets an alarming precedent, of the most dangerous consequence, to the citizens of this commonwealth."

“*Resolved*, That it be specially recommended to the ensuing general assembly, to define the nature and extent of contempts, and direct their punishment.”

An interesting debate arose upon these resolutions. Mr. Findley ably supported his propositions upon the spirit of the constitution, and the expediency of the thing itself. But, it was satisfactorily answered by Mr. Lewis ; first, That the legislative power is confined to *making* the law, and cannot interfere in the *interpretation* ; which is the natural and exclusive province of the judicial branch of the government ; and, secondly, That the recommendation to the succeeding assembly would be nugatory ; for the courts of justice derive their powers from the constitution, a source paramount to the legislature ; and, consequently, what is given to them by the former cannot be taken from them by the latter.

Mr. Findley's motions were lost by a considerable majority ; and at length, Mr. Fitzsimmons's original resolution, revived by Mr. Clymer, was adopted by the house, and the memorial, of course, rejected.

In pronouncing the judgment of the court in the case of Oswald, chief justice M'Kean made the following remarks : “Some doubts were suggested whether even a contempt of the court was punishable by attachment: not only my brethren and myself, but likewise all the judges of England, think, that without this power, no court could possibly exist ; nay, that no *contempt* could, indeed, be committed against us, we should be *so truly contemptible*. The law upon the subject is of immemorial antiquity ; and there is not any period when it can be said to have ceased, or discontinued. On this point, therefore, we entertain no doubt.” These observations have since been repeatedly quoted as conclusive on the subject of contempts ; and were cited, with approba-

tion, in the famous debate, a few years ago, in the case of John Anderson, in the house of representatives of the United States.

Mr. M'Kean was a member of the convention of Pennsylvania, which ratified the constitution of the United States. Delegated from the city of Philadelphia, he attended its first meeting on the twentieth of November, 1787. On the twenty-third, Mr. M'Kean, who, with Mr. Wilson, took the lead in the proceedings, moved that the constitution, as proposed by the late federal convention, be read ; and on the twenty-sixth, the convention having been properly organised, and the preliminary arrangements concluded, he opened the important and unprecedented subject by a short speech, concluding with the motion, "That this convention do assent to, and ratify, the constitution agreed to on the seventeenth of September last, by the convention of the United States of America, held at Philadelphia." The long and eloquent speech delivered by him on the eleventh of December, embraced a clear and comprehensive view of the whole subject. He unfolded, in a masterly manner, the principles of free government ; demonstrated the superior advantages of the federal constitution ; and satisfactorily answered every objection which had been suggested. Arranging these objections under ten distinct heads, he considered them singly, and delivered his refutation of them in a lucid and forcible manner. He concluded this powerful argument in these words: "The objections to this constitution having been answered, and all done away, it remains pure and unhurt ; and this alone is a forcible argument of its goodness. I am sure, Mr. president, that nothing can prevail with me to give my vote for ratifying it, but a conviction, from comparing the arguments on both sides, that the not doing it is liable to more inconvenience and danger than the doing it.

"I. If you do it, you strengthen the government and people of these United States, and will thereby have the wisdom and assistance of all the states.

"II. You will settle, establish, and firmly perpetuate, our independence, by destroying the vain hopes of all its enemies, both at home and abroad.

"III. You will encourage your allies to join with you; nay, to depend, that what has been stipulated or shall hereafter be stipulated and agreed upon, will be punctually performed; and other nations will be induced to enter into treaties with you.

"IV. It will have a tendency to break our parties and divisions, and by that means, lay a firm and solid foundation for the future tranquillity and happiness of the United States in general, and of this state in particular.

"V. It will invigorate your commerce, and encourage ship building.

"VI. It will have a tendency, not only to prevent any other nation from making war upon you, but from offering you any wrong or even insult.

"In short, the advantages that must result from it, are obviously so numerous and important, and have been so fully and ably pointed out by others, that it appears to be unnecessary to enlarge on this head.

"The law, sir, has been my study from my infancy, and my only profession. I have gone through the circle of office, in the legislative, executive, and judicial, departments of government; and from all my study, observation, and experience, I must declare, that from a full examination and due consideration of this system, it appears to me *the best the world has yet seen.*

"I congratulate you on the fair prospect of its being adopted, and am happy in the expectation of seeing accom-

plished, what has been long my ardent wish,—that you will hereafter have a *salutary permanency in magistracy, and stability in the laws.*”

Although Mr. M'Kean was not a member of the convention which framed the federal constitution, he was neither inattentive nor inactive, with regard to its proceedings. From the characters of the delegates, a great proportion of whom had been members of the revolutionary congress, in 1774, 1775, 1776, or 1777, he entertained strong hopes that public utility would be derived from their deliberations. “But,” he remarks, “the present popular opinion is, that we should be very jealous of conferring power on any man, or body of men. Indeed, we seem afraid to enable any one to do good, lest he should do evil.” He was long an advocate for the just rights of the smaller, against the overbearing influence and power of the larger, states. A vote by states was insisted upon by him in the first congress of 1765, and in that held in Philadelphia, in 1774; and the concession was then made by the other states. At the meeting of the federal convention, he delivered to the delegates from Delaware, notes of the arguments used on those occasions, and at the same time offered, in private, his reasons in support of the security of the smaller states, to many members who represented the larger. His influence prevailed; and the result was the compromise which pervades the present system.

The amendment of the constitution of the state of Pennsylvania was an object of high importance and general interest. “Perhaps a more singular contrivance to produce precipitation and incaution in that department, where deliberation was a duty, and to generate slowness and irresolution, when vigour, promptitude, and secrecy, were required, was never exhibited than in this constitution.” A single legislature, without check

or control, possessing a power of hastily passing the most important laws, restrained only by the necessity of publishing the bill, for the consideration of their constituents, yet without being required to wait any length of time to obtain a knowledge of their opinions on it; an executive council, composed of a member from every county, multiplying as the number of counties increased; a septennial judicature, and an inefficient council of censors, who were to revise the proceedings of the legislature, without the power to repeal what they saw the strongest reasons to condemn, formed some of the features of this extraordinary frame of government. To relieve the people of Pennsylvania from the operation of such a system, had long been an object of solicitude. But it had many friends. As a product of the revolution, to approve it was sometimes considered as a test of political rectitude. The name of Franklin was used to recommend it to popular favour, although it was believed by many, that his placid acquiescence, together with some sportive effusions in answer to objections raised against it, was the greatest extent of the patriarch's exertions in its favour. It was, also, asserted that its opponents aimed at aristocratical innovation, not untinged with the spirit of monarchy. On this subject, Mr. M'Kean formed an early opinion; and in a letter to John Adams, dated thirtieth April, 1787, he made the following remarks: "The balance of the one, the few, and the many, is not well poised in this state: the legislature is too powerful for the executive and judicial branches of government; besides, it can too easily make laws, and too easily alter or repeal them. We have but one branch in our legislature, and are divided into two parties, called by the names of republicans and constitutionalists; and they are yet pretty nearly equal in numbers and merit. We must have another branch,

and a negative in the executive, stability in our laws, and permanency in our magistracy, before we shall be reputable, safe and happy." But he was opposed to any other than necessary alterations. "In general," said he, "I dislike innovations, especially in the administration of justice; and I would avoid tampering with constitutions of government as with edge-tools."

At length, in 1788, a majority of the legislature was secured in favour of calling a convention, not openly to make a new constitution, but to consider in what respects the old one required alteration and amendment. At the election in 1789, Mr. M'Kean was appointed a delegate to this convention, from the city of Philadelphia. It commenced on Tuesday, the twenty-fourth of November, 1789, on which day the honourable Thomas Mifflin was elected president. Composed of the first talents that Pennsylvania afforded, Mr. M'Kean rendered himself conspicuous in its proceedings, and the force of his knowledge and opinions was felt, and justly appreciated.

"The mere reformation of the old constitution was abandoned as hopeless, but in the composition of a new one, some variety of opinion was manifested: democratic inclinations prevailed with one party, while the other sought, in the establishment of a firm and active executive, in an independent judiciary, in a legislature of two branches, and in most carefully prescribing the limits of each, and preventing encroachments on the functions of others, not to establish an aristocracy, but to secure a self-balanced government, possessing the united properties of cautious deliberation, energetic action, and uninfluenced decision." Although the almost unlimited right of suffrage contained in it is by many deemed a blemish, the constitution that was finally adopted may be

considered as an admirable model, as a careful discrimination in practice, and a sound delineation in principle, of a representative republic, securing force to the government, and freedom to the people.

Mr. M'Kean was actively employed, during the first week of the sitting, in forming the preliminary arrangements of the convention. On the first of December, when that body resolved itself into a committee of the whole, "to take into consideration whether, and wherein, the constitution of the state required alteration or amendment," he was appointed chairman. The subject of the constitution was, throughout the session of the convention, principally discussed in the committee, over which he presided: hence he was precluded from taking that active part in the debates, which he would, otherwise, have probably done. It appears, however, that while on the floor, his attention was greatly devoted to the measures in agitation, and that he engaged with spirit in the deliberations of the convention. It is worthy of particular notice, that the provision "for the establishment of schools throughout the state, in such manner that the poor may be taught *gratis*," was made on the proposition of Mr. M'Kean. On his retirement from the chair, it was unanimously resolved, on the twenty-ninth of January, 1790, "that the thanks of the committee be given to the honourable Mr. M'Kean, for his able and impartial conduct, while chairman thereof.

In 1799, Mr. M'Kean was elected governor of Pennsylvania. His election was the result of a warm conflict between the two great parties which were then assuming those distinct political ranks, into which, for many years, the people of our country continued to be divided. It is unnecessary to specify the political changes and occurrences preparatory to, and causing, his election in preference to his able and distinguish-

ed competitor—James Ross. His success, through what was termed “the momentum of Pennsylvania politics,” paved the way for the accession of Mr. Jefferson to the presidency; and during the whole period of that gentleman’s administration, the weight of Mr. M’Kean’s opinions and conduct was directed to the upholding of the principles which marked the policy of the general government.

On the sixth of November, 1799, at a town meeting held in Philadelphia, an address to the governor-elect was prepared and adopted, congratulating him on his election, as the very principles of republicanism were involved in the issue. “In an integrity,” it said, “which has stood the test of half a century, and in a firmness that neither cabal nor faction has been able to shake, and in principles which stood unmoved amid the trials and perils of a revolution, we cannot but rely with confidence.” “On you, sir, not only the eyes of republican Pennsylvania, but the eyes of the republicans throughout the union are fixed; on you a momentous trust has devolved, which engages all their attention and affections, and it is with pride, with honest pride, we avow our confidence, that the chief-magistrate of Pennsylvania will exhibit to the United States an illustrious example.” To this address, Mr. M’Kean replied by stating the sincere pleasure which it afforded him, and tendering his thanks for the favourable opinion, and kind expressions, it contained. He trusted, that under his administration, their happy system of government, raised on the sole authority of the people, would, by the favour of God, be continued inviolate; and that neither foreign nor domestic enemies, neither intrigue, menace, nor seductions, should prevail against it. “The constitution of the United States, and of Pennsylvania,” said he, “shall be the rule of my government; the security of persons, property, liberty, and

reputation, my chiefest care ; and my best endeavours shall be exerted to fulfil all your reasonable and just expectations."

That the duty which he was now called upon to perform was extremely arduous, may be inferred from the following extract of his letter to John Dickinson, dated twenty-third June 1800: "Though my situation in life is changed, my cares remain: I have never had greater employment for body and mind, than for the last six months, unless when I was president of congress. I have waded through a sea of troubles, and surmounted my principal difficulties. I have been obliged, (though no Hercules,) *to cleanse the Augean stable*, with little or no aid ; for I am my own minister and amanuensis. In about a fortnight more, I expect calm seas and gentle breezes, if the intrigues and corruptions of British rulers do not create a new agitation of the waves and winds. A governor of Pennsylvania has more duty to perform than the president of the United States, or any governor in the union."

It is the paramount duty of the biographer, to "nothing extenuate nor set down aught in malice;" to act justly, though ruin should ensue. Without the guidance of this principle, he is misleading, instead of instructing ; he is portraying a fictitious, instead of a real character ; and every defect which he conceals, or every ornament which he amplifies, virtually involves a falsehood. His course is open and direct: he must neither turn to the one side, to gratify national or family feeling ; nor to the other, to indulge in private opinions or prejudices. Uninfluenced by personal motives, either of fear or affection, he ought to consider his subject as attached to this world only in memory, and alike amenable to the voice of posterity, whether his deeds be good or evil. It is, then, with strict impartiality, that allusion is made to the party asperity which marked, in particular, the period at which Mr.

M'Kean's administration commenced. The principle of removing from office all those of opposite political views, whether their station be high or low, and however well qualified, honest, and active, they may be, may be founded in party policy, but not in justice. Patriotic motives can have no agency in loading with reproach, and detruding from office, upright, and (according to their views) honest, politicians of a particular party, as men unworthy to partake of the honours, or even to eat the bread of their country. The triumph of party is every where the same; and every where it is indulged beyond the boundaries of natural justice, and in a manner more or less despotic and vindictive, according to the precursory excitement, and the obstacles in the way of success. But without particularising, when the power of parties undergoes a revolution, whereby the weakest becomes the strongest, is that change, of itself, a sufficient and equitable cause for indiscriminately involving the whole of the defeated party in one general proscription? On such occasions, are the possessions of the vanquished, however honourably acquired and honestly maintained, to be, in the true spirit of the feudal system, inexorably parcelled out among the champions of the victorious leader? As, among the holders of office, in the words of a celebrated character, "few die, and none resign," is nothing left but to cashier them? And what sophistry can attempt to justify acts by which helpless families are at once reduced to indigence, stripped of their subsistence, and driven from their homes, not because the heads of them have not faithfully and honestly discharged the duties of their trusts, but because they do not hold precisely the same political sentiments with the new party in power; however they may, at the same time, accord in the broad principles of national liberty, and love of country.

The general truth of these observations will probably not be denied by any one, and the following remarks of Mr. M'Kean to Mr. Jefferson contain no apology, and profess to contain no reason for the removal from office, *without distinction*, of those, who served under previous administrations; indeed, we find that, severe as his detrusions were, they were not, at the same time, *indiscriminate*. They who will not acquiesce in the justice of censure on his conduct upon this occasion, may, with much plausibility, be disposed to urge that, if at the commencement of his administration, he found in office men that had been distinguished, in the previous contest, by intemperate and bitter hostility towards him and his friends, it might have been honestly considered as indispensable to the smooth, just, and efficient operation of the wheels of government, and as a mark of proper respect for the clearly expressed will of the people, whose sovereignty he acknowledged, that he should supply those offices with others, who, instead of counteracting and embarrassing the efforts of his administration, would promote and assist his endeavours to discharge his important official duties. And the force of this reasoning is not diminished, by the knowledge of the fact, that after his administration became once settled on a firm basis, he exhibited the same determination in selecting men distinguished for their merit, without regard to party politics, as he had displayed, in times of high party excitement, in preferring political friends to political enemies. This spirit was illustrated in a particular manner, in many judicial appointments, and especially in twice choosing for the dignified station of chief justice of the state, gentlemen whose political feelings and associations were adverse to his own, but whose professional and personal characters rendered them worthy of elevated public trusts.

In a letter to Mr. Jefferson, dated tenth January, 1801, alluding to his removal of many political opponents from office at the time of his being chosen governor, he observes, "It is, at least, imprudent to foster spies continually about oneself. I am only sorry that I did not displace ten or eleven more; for it is not right to put a dagger in the hands of an assassin." On the twentieth of July, 1801, he addressed the president of the United States, avowedly as the agent of certain members of the ruling party, in Delaware, relative to their political affairs, and to the individuals who had received and held offices under the previous, or Adams, administration: "It appears," he observes, "that the anti-republicans, even those in office, are as hostile as ever, though not so insolent. To overcome them they must be shaven, for in their offices, (like Sampson's hair-locks,) their great strength lieth: their disposition for mischief may remain, but the power of doing it will be gone. It is out of the common order of nature, to prefer enemies to friends: the despisers of the people should not be their rulers, nor men be vested with authority, in a government which they wish to destroy. A dagger ought not to be put into the hands of an assassin. Sayings of this import are in the mouths of every body; and self-preservation seems to demand some attention to them."

But it is probable that no public man of this country, excepting Washington, so deeply involved in public affairs as Mr. M'Kean, has ever kept himself free from some portion of political intemperance, some manifestation of party passion and prejudice. Such, moreover, is the nature of the constitution of Pennsylvania, with respect to the powers of its governor, that party spirit will be roused, and the feelings of individuals, governed by personal interest, will be exhibited, during every administration. Personal feelings of

hope or disappointment, doubtless, created for Mr. M'Kean many enemies ; yet during the whole constitutional period of nine years the majority of the people were with him ; and, at the present day, when the party asperities and bickerings of the times are, in some measure, forgotten, it cannot be denied that his administration, in a general view, was marked by uncommon ability, and with great benefit to the state. His messages to the different legislative assemblies are characterized by peculiar eloquence and force of language, and are replete with sound maxims of political wisdom, and clear practical views of the policy of government.

In the years 1807 and 1808, an unsuccessful attempt was made to impeach him, as governor, originating from party malice, and the exasperation of designing and ambitious individuals, who found him too independent to submit to their superintendence in public affairs. Several petitions from a number of the citizens of the city and county of Philadelphia, were presented to the legislature, in the beginning of 1807, praying an inquiry into the official conduct of the governor. A committee was accordingly appointed for that purpose, with directions to report whether he had so acted in his official capacity, as to require the interposition of the constitutional powers of the house. This committee, after a short investigation, reported,

“I. That the governor did premeditatedly, wantonly, unjustly, and contrary to the true intent and meaning of the constitution, render void the late election, (in 1806,) of a sheriff in the city and county of Philadelphia.

“II. That he usurped a judicial authority, in issuing a warrant for the arrest and imprisonment of Joseph Cabrera ; and interfered in favour of a convict for forgery, in defiance

of the law, and contrary to the wholesome regulations of the prison in Philadelphia, and the safety of the citizens.

“III. That, contrary to the true intent and meaning of the constitution, and in violation of it, did he appoint Dr. George Buchannan, lazaretto physician of the port of Philadelphia.

“IV. That under a precedent, acknowledged to have been derived from the king of Great Britain, and contrary to the express letter of the constitution, did he suffer his name to be stamped upon blank patents, warrants on the treasury, and other public official papers, and that too out of his presence.

“V. That, contrary to law, did he supersede Dr. James Reynolds as a member of the board of health.

“VI. That, contrary to the obligations of duty, and the injunctions of the constitution, did he offer and authorize overtures to be made to discontinue two actions of the commonwealth against William Duane and his surety, for an alleged forfeiture of two recognizances of one thousand dollars each, on condition that William Duane would discontinue civil actions against his son, Joseph B. M'Kean, and others, for damages for a murderous assault committed by Joseph B. M'Kean and others on William Duane.”

The very terms of the report would indicate the spirit in which it was framed, even were it not known that one of the committee, at least, was a principal agitator of the impeachment, and intemperately attached to the disappointed party, which was labouring, unguibus et rostro, to disgrace and degrade the governor. “From even this limited inquiry,” say they, “the committee are led to the conclusion, that the governor considers the constitution and the laws as mere instruments of executive convenience, and of so ductile a

character as to be moulded into any shape at the suggestion of passion, ambition, or interest." "The avoidance of an election, under such circumstances, furnishes a melancholy testimonial of the insecurity of our rights, under the administration of the present executive magistrate." "The rights of the people of the city and county of Philadelphia have been grossly trifled with, and scarcely a veil of the texture of a cobweb has been thrown over the unjust judgment of the governor, to render void their election and their choice." "But what will be said when the stupendous injustice is made known that the governor deducted four votes from the poll of judge Wolbert, which the witnesses themselves, upon oath, declared they had given to William T. Donaldson!" "The committee would here ask, what security have the people of Pennsylvania for their rights, should such proceedings pass unpunished?" "A favourite and profligate sheriff may continue in office as long as a governor holds his place, and the incumbent will remain the pander of an executive appetite or vengeance." "The compromise offered by the governor to William Duane, is of a character truly dark and alarming. The outrage committed upon Mr. Duane transcends any thing in baseness and barbarity, ever perpetrated among us by men pretending to the honour of soldiers. After having beaten and bruised him until he was lifeless, they raised him from the earth on which he was prostrate, that one of them might again knock him down; and these heroes of our constitution and laws finished their murderous assault, by whipping the insensible body of a man, that they had rendered lifeless by previous barbarity." Finally, "under a sense of imperious duty, and the solemnity of the obligation under which they acted as representatives of the people of Pennsylvania, and from a conscientious conviction," the committee reported the following resolution :

“Resolved, That Thomas M’Kean, governor of this commonwealth, be impeached of high crimes and misdemeanours.”

Had this report not savoured so strongly of partiality ; had its language been more temperate and dignified, its conclusions less rigorous and authoritative, it would have argued a better cause. On Thursday, the eighth of December, 1807, the resolution reported by the committee being under consideration, a motion was made by Mr. John Sergeant, and seconded by Mr. Biddle, (both members from Philadelphia,) to postpone the further consideration thereof until the second Monday in January, 1808: the ayes and nays being called, there was an equal number of votes, and the motion failed. On the fifteenth of January, Mr. Shewell, one of the committee which submitted the resolution, called for its consideration: the votes being equally divided, the question was not carried. On the twenty-seventh of January, Mr. Shewell renewed his motion for proceeding to the consideration of the resolution, which then prevailed. It is to be observed, that these motions proceeded from the party friendly to governor M’Kean, and who were anxious to determine the invalidity of the charges.

The resolution was now fairly before the house ; and the result which awaited the consideration of it, little accorded with the pleasant and confident anticipations of a majority of the select committee who gave it birth. “The committee,” said they, “deem it superfluous to sustain the resolution which is submitted, by an appeal to the patriotism or the intelligence of the house. *They are aware that they are anticipated by its judgment and its integrity.* The facts speak so loudly for themselves, that the feeble voice of the committee cannot be raised to reach their tone. Justice, and the public welfare, demand punishment. Do we desire to preserve our

constitution in its letter and its spirit? then punish the infractor of it. Do we desire the government of laws, instead of that of the will of a public functionary? then make him amenable to justice, who dares to substitute his will for that of the laws. Do we desire to preserve our republican institutions? then permit no man to trample upon them with impunity. Do we hold the right of electing our public functionaries to be the essence of free government, and its exercise to be dear to the freemen of Pennsylvania? then render him constitutionally accountable, who, by an arbitrary *fiat*, has laid it prostrate. Do we consider virtue as the vital principle of republican government? then punish the officer who attacks republican virtue in her citadel; who, in disregard of public sentiment and public duty, and in defiance of solemn obligation, treats the people as his patrimony, and their rights as his inheritance." Now, whether the legislature possessed less "judgment" and "integrity" than the committee were aware of, or whether less value was placed on this long, pompous, and inflated tirade of queries, and deductions, than it deserved, it did not at all alter the decision of the house, which, on motion of Mr. Porter, seconded by Mr. Shewell, indefinitely postponed the further consideration of the subject, on the twenty-seventh of January, 1808. It should be added that every member present from the city of Philadelphia whose rights were said to be particularly infringed voted in favour of the governor.

On the next day, the secretary of the commonwealth presented a replication from the governor, relative to the charges exhibited against him by the committee, which being read, Mr. Sergeant inquired whether the communication would be inserted on the journal? A variety of objections being made to this measure, a motion was made by Mr. Sergeant, and

seconded by Mr. Ingham, that the message be inserted at large on the journal: on the question being taken, it was determined in the affirmative.

The defence of Mr. M'Kean offers a bright contrast to the report of his accusers ; and we cannot refrain from extracting its exordium, as an evidence of the dignity with which he repelled unestablished denunciations, of the moderation and magnanimity which he displayed throughout the replication, and of the self-command and respect, which forbade him to descend to the language of his enemies. “ A long and dangerous illness,” he begins, “ the sympathy of friends, and the advice of physicians, deprived me of an opportunity to peruse the journal, or to have the least knowledge, of the proceedings in relation to an impeachment of my official conduct, for more than a month after the termination of the last session of the general assembly. And, since that period, a proper respect for the exercise of constitutional powers has restrained every disposition, on my part, to answer the charges which have been exhibited against me, while those charges continued a subject of deliberation. But the delicacy which has thus recognized your constitutional jurisdiction, must not be allowed to absorb every consideration that is due to my own fame, to the feelings of my family, and to the opinion of the world. The accusation, though not confirmed by the ultimate vote of the house, has been deliberately framed, has been openly discussed, and will pass, among the legislative records, into the hands of our constituents, and our posterity, with all its concomitant semblance of proof, and asperity of animadversion. The decision, that expresses your renunciation of the impeachment, affects me, indeed, with its justice and its independence ; but it is a decision which precludes the employment of the regular means of de-

fence, before a competent tribunal, and, therefore, compels me, for the purposes of vindication, to claim a page in the same volume that serves to perpetuate against me the imputation of official crimes and misdemeanours. It is incompatible, gentlemen, with my view of the solemnity of the occasion, to descend to the language of invective or complaint. By exposing the depravity of other men, I should do little to demonstrate my own innocence ; and an expression of sensibility, at any personal indignity that has been inflicted, might be construed into an encroachment upon the freedom of legislative debate. But the tenor of my public and private life will, I hope, be sufficient to repel every vague and declamatory aspersion. The discernment of our constituents will readily detect any latent motive of hatred and malice. The justice of the legislature upholds an ample shield against the spirit of persecution ; and the conscious rectitude of my own mind will yield a lasting consolation, amidst all the vicissitudes of popular favour and applause.” “ That I may have erred in judgment ; that I may have been mistaken in my general views of public policy ; and that I may have been deceived by the objects of executive confidence, or benevolence, I am not so vain, nor so credulous, as to deny ; though, in the present instance, I am still without the proof and without the belief :—but the firm and fearless position which I take, invites the strictest scrutiny, upon a fair exposition of our constitution and laws, into the sincerity and truth of the general answer given to my accusers,—*that no act of my public life was ever done from a corrupt motive ; nor without a deliberate opinion that the act was lawful and proper in itself.*” Mr. M’Kean then proceeds, in a circumstantial and irrefutable manner, separately to repel the charges of the committee ; and triumphantly to vindicate his character,

in every particular, from the aspersions with which it had been assailed. This replication comprehends a very learned and masterly disquisition upon many of the constitutional powers and duties of the executive, and upon repeated reference to it, it has been found to bear the cautious scrutiny of unimpassioned judgment, and to furnish a safe, a clear, and a useful guide in the elucidation of cases involving points similar to those which he professes to discuss.

Thus terminated a transaction, which, through the baleful and exterminating spirit of party, threatened to overshadow the closing career of a patriot, whose life had, during half a century, been devoted to the public service. As a party measure, the delay in its decision, the ex-parte report of the committee, and the small majority opposed to an impeachment, can afford no just rule of judgment, with regard to the merits of the case; because *inter factiones leges silent*. Those acquainted with the relative local politics, may gain some insight into the matter, from the fact, that while the whole delegation from the *city* of Philadelphia were opposed to the impeachment, all the members from the *county* supported it. And it was in proof before the house of representatives, that the chairman of the committee, who was a prominent and zealous witness, and the surety of William Duane, threatened, in terms indicating animosity and passion, that “*he would pursue the governor to the grave.*”

Towards the close of the year 1803, he was strongly solicited to become a candidate for the office of vice-president of the United States. On the fourteenth of October, Alexander James Dallas, thus addressed him on the subject: “I have been requested, by several of our friends, to bear with me, (to Washington,) your sentiments as to the office of vice-president. Your name has been most honourably mentioned on

the occasion. Pray write to me, in perfect confidence, and address your letter to the care of Mr. Gallatin, at Washington. Accustomed as I have been, for many years, to wish every thing that can promote your happiness, or reputation, it would give me pain to find that, in this instance, your disposition should lead you to the federal scene, as I do not believe there exists another man in Pennsylvania, to whom, at this period, the real interests of the state can be safely confided. But your choice will entirely govern my opinions and exertions." Mr. M'Kean declined this honour both on public and private considerations.

Towards the close of the eighteenthth century, the French revolution excited much interest in America. At its commencement, indeed, it was very universally and justly admired ; and almost every friend of rational freedom rejoiced, when the bastille was destroyed, at the approaching emancipation of the people. But when public order and equitable principles yielded to the bloody and lawless sway of demagogues and ruffians, nothing but irrelevant motives, and extraneous pursuits, could have made our citizens endure the unexampled profligacy, insolence, and barbarity, of the then ruling powers of France. Mr. M'Kean, naturally and conscientiously, imbibed strong prepossessions in favour of French liberty, in conjunction with the members of the party to which he was attached. Many years after his retirement from public life, an interesting correspondence on this subject took place between him and John Adams, who had, from the outset, veiwed the revolution in France with a prophetic eye. On the second of June, 1812, Mr. Adams thus opened the subject: "Nearly thirty-eight years ago our friendship commenced. It has never been interrupted, to my knowledge, but by one event. Among all the gentlemen with whom I

have acted and lived in the world, I know not any two, who have more uniformly agreed in sentiment upon political principles, forms of government, and national policy, than you and I have done, except upon one great subject; a most important and momentous one to be sure—that subject was the *French revolution*. This, at the first appearance of it, you thought ‘a minister of grace;’ I fully believed it to be ‘a goblin damned.’ Hence all the estrangement between us, that I know, or ever suspected. There is no reason that this should now keep us asunder, for I presume there can be little difference of opinion, at present, upon this subject. When Pultney accepted a peerage, some droll wit wrote

Of all the patriot things that Pultney writ,
The earl of Bath confutes them every bit.

We may now say,

Of all the glorious things French patriots writ,
The emperor confutes them every bit.”

In another communication, Mr. Adams remarked, that the most unaccountable phenomenon he ever beheld, during the seventy-seven years that he had lived, was to see men of the most extensive knowledge, and deepest reflection, entertain, for a moment, an opinion that a democratical republic could be erected in a nation of five and twenty millions of people, four and twenty millions and five hundred thousand of whom, could neither write nor read.

Mr. M’Kean, in reply, fully realized the expectations of his correspondent, as to the congeniality of their sentiments. In relation to their co-operation in public affairs, he remarks, “I declare, with pleasure, and also with pride, that I embraced the political sentiments of none, with more satisfac-

tion, (being congenial with my own,) than yours ; nor do I recollect a single question on which we differed. It is true, I was a friend to the revolution in France, from the assembly of the notables (1787), until the king was decapitated (1794); which I deemed not only a very atrocious, but an absurd act. After that, I remained in a kind of apathy, with regard to the leaders of the different parties ; until I clearly perceived that *that* nation was *then* incapable of being ruled by a popular government : and when a *few*, and afterwards, an *individual*, assumed despotic sway over them, I thought them in a situation better than under the government of a mob ; for I would prefer any kind of government to such a state,—even a tyranny to anarchy. On this subject, then, I do not conceive we differed widely. I do assure you, that I venerate our early friendship, and am happy in a continuance of it.” Again : “I decidedly think with you that a democratic form of government in France, in the present age, was preposterous.”

Mr. M'Kean, having served as governor during the constitutional period of nine years, retired, at the close of the year 1808, from the cares of a long life, faithfully, ably, and successfully devoted to the service of his country ; and, for the remainder of his days, enjoyed, in the peaceful pursuits of science and literature, the consciousness of a well-earned and honourable fame. In a letter to Mr. Adams, dated in June, 1812, he remarks—“Three years ago I shook hands with the world, and we said farewell to each other : the toys and rattles of childhood would, in a few years more, be, probably, as suitable to me, as office, honour, or wealth ; but (thank God,) the faculties of my mind are, as yet, little, if any thing impaired, and my affections and friendships remain unshaken. Since my exemption from official and professional

duties, I have enjoyed a tranquillity, never (during a long, protracted life,) heretofore experienced ; and my health and comforts are sufficient for a moderate man."

We ought not, however, to omit an incident which occurred after the date of the above letter, inasmuch as it exhibits a gratifying instance of the manifestation of public respect for a venerable sage, and displays the vigour of intellect, and the energy of patriotism, in a man of the age of eighty years, whose younger days had been, in trying times, devoted to his country. In the last war with Great Britain, the citizens of Philadelphia, considering themselves in a situation of perfect security, made no preparations for protection and defence, until, in the month of August, 1814, their slumbering feelings were aroused by the landing of a British army on our shores, and its near approach to the city of Washington. A number of the most influential citizens agreed at once to call a town meeting, and on the morning of the twenty-sixth of August, a few hours before the account of the capture of Washington reached Philadelphia, a very large assemblage of citizens was convened in the state house square. Mr. M'Kean had been particularly desired to attend, and on his appearing once more among his countrymen, on a public occasion, he was greeted with profound respect and attention, and was unanimously called to take the chair. Never, since the revolutionary period, had a public meeting been held in Philadelphia on so momentous a business, and never, since the same period, had an occasion existed which demanded more promptness and decision of action. The enemy was already on our soil, and no man, whether among the boldest or the most cautious, had any reason to believe that Philadelphia would not, in a very few days, be the object of attack. The meeting, collected at the very place, where, in

1776, the declaration of independence had been proclaimed, proceeded to its business with great order. No noisy demagogues attempted to control its operations, or to create excitement by inflammatory harangues. The venerable chairman alone addressed it, and in a few brief sentences, delivered with the dignity and emphasis of his former days, touched the spirit that needed only to be awakened. The meeting, without waste of time, and without useless discussion, took the measures which the crisis demanded, and the city was in a short time placed in a condition to repel the attack of any force which the enemy could then bring against it. A journalist of the times made the following observations, in reference to this meeting:

“ It will be remarked, that the proceedings of the town-meeting held yesterday, do not comprehend any very particular expression of sentiment on general principles. Let it not therefore be supposed that the meeting showed any indifference relative to the questions involving the destinies of the nation. There are no printed resolutions of devotion to country, because, as governor M'Kean well said, ‘ this is not a time for speaking, but a time for acting ;’ there are no declarations of oblivion of the past, because, as governor M'Kean also said, ‘ we have now nothing to do with the past, we must only think of the present and the future ;’ neither are there any resolutions to suppress party contentions, because, as governor M'Kean also told the meeting, ‘ there are now but two parties, our country and its invaders.’ ”

During the whole of his career, Mr. M'Kean was remarkable for the most unbending integrity of character. He possessed a qualification, which has been justly noticed as a distinguished trait in the character of Washington,—a determination to do what he thought best for the interest of

the state, without regard to the clamour of ignorance or of discontent. Independent of the opinion which the narrow-minded, but self-sufficient, might please to adopt with regard to him, he was willing to be judged by the consequences of his actions, however remote those consequences might be.

The following letters, addressed to the son of Mr. M'Kean, embrace valuable and honourable testimonials, from men who participated with Mr. M'Kean in the trying scenes of the revolution, and who have since enjoyed the rare and distinguished honour of presiding over the government of their country. The first is from his compatriot Mr. Adams, and is dated at Quincy on the twenty-seventh of April, 1824 :

“Dear sir—I have received your kind letter of April 1st, and am very sorry that it will not be in my power to give you more detailed information. That your father was a steadfast patriot of the revolution, from its beginning to its end, is most certain. In the congress of New York, in 1765, though young, he was one of the most active and spirited members : in the congress of 1774, and in all the subsequent years, he was the same.

“His conduct as governor of Pennsylvania is better known to you, and all your fellow-citizens, than to me : I believe he was conscientiously upright, and well-intentioned. His conduct as chief justice of the state, for so many years, I have never heard denied to have been upright and judicious ; although his constant opposition to the federal government, but never violent, occasioned party reflections upon him, as party spirit is cast upon every man of both parties. His character ought always to maintain a conspicuous place in the history of his country, for the last fifty or sixty years.

“ P. S. Your father and Cæsar Rodney were among the Patrick Henrys, the Christopher Gadsdens, the Thomas Jeffersons, the Samuel Adams's, the Roger Shermans,—the best tried and firmest pillars of the revolution.”

The other, from Mr. Jefferson, his old personal and political friend, is dated at Monticello, on the tenth of the same month, and is as follows :

“ Sir—I have duly received your favour of the first instant, and am happy to learn that we are likely to have a good biography of the late judge M'Kean. Although we served together in revolutionary scenes, and after these, in others equally trying, yet length of time, and the wane of memory, have left me no recollections which would be worth noting. The general remembrance can never be obliterated, that he was among the soundest, firmest, and most zealous, of the republicans, with whom it has been my fortune to act through life.”

On the twenty-sixth of September, 1781, Mr. M'Kean received the diploma of doctor of laws, from the college of New Jersey. In the following year, he was invested with the same distinction by Dartmouth college, in New Hampshire, conveyed to him in a complimentary letter from the secretary of the institution, of which the following is an extract: “Im-pressed with an exalted opinion of those singular talents which nature has allotted you; of those acquirements which you have gained by application; and of that patriotic virtue, which has remained inflexible through the storms of adversity, the honourable board of trustees of this university, request your acceptance of a feeble testimonial of your merit.” On the second of May, 1785, he was elected a member of the

Philadelphia society for the promotion of agriculture. On the thirty-first of October, following, he received the diploma of the society of Cincinnati, instituted by the officers of the American army, at the period of its dissolution, as well as to commemorate the great event which gave independence to North America, as for the laudable purpose of inculcating the duty of laying down in peace, arms assumed for public defence, and of uniting in acts of brotherly affection, and bonds of perpetual friendship, the members constituting the same. He was also a trustee of the university of Pennsylvania, and, in 1790, one of the founders of the Hibernian society for the relief of emigrants from Ireland, of which he was a long time president.

In person Mr. M'Kean was tall, erect, and well proportioned. His countenance displayed, in a remarkable manner, the firmness and intelligence for which he was distinguished. His manners were impressive and dignified. In the month of July, 1762, he married Mary, the eldest daughter of Joseph Borden, esquire, of Bordentown, New Jersey, who died in February, 1773, leaving two sons and four daughters; the youngest of whom was only two weeks old. On Thursday, the third of September, 1774, he was again united in marriage by the reverend Joseph Montgomery, to Miss Sarah Armitage, of Newcastle, in Delaware: five children were the offspring of this union.

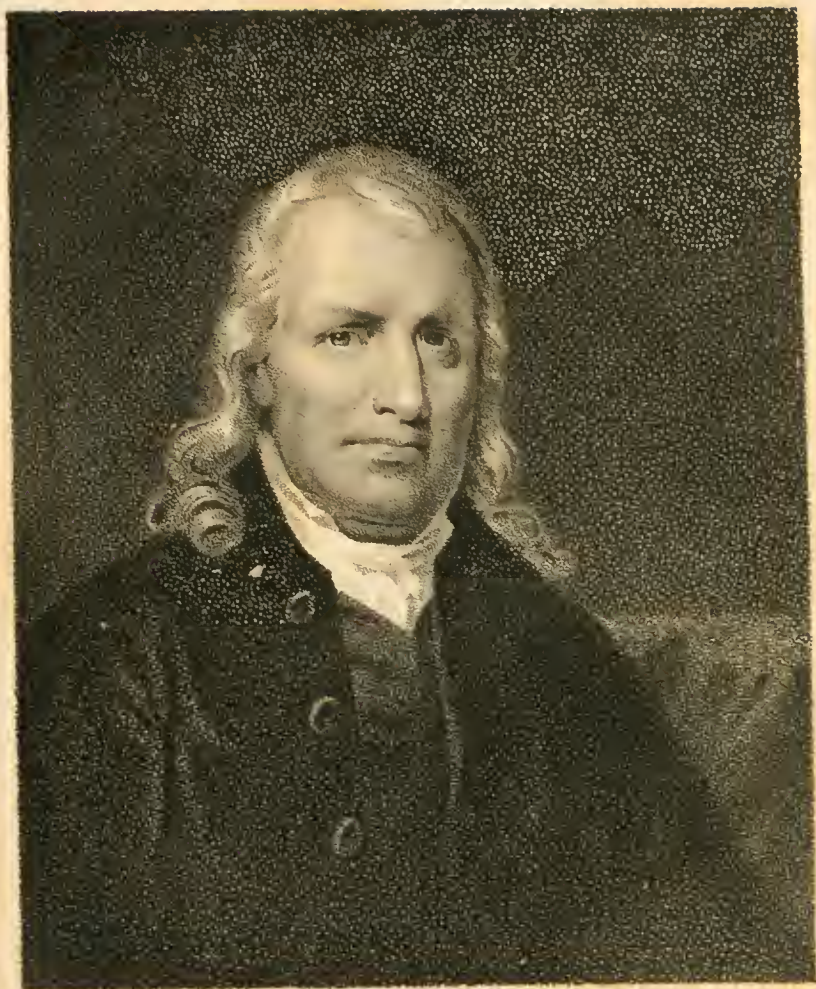
At length, loaded with honours, this venerable patriot arrived at the *ultima linea rerum*, and departed to "the generation of his fathers," on the twenty-fourth of June, 1817, aged eighty-three years, two months, and sixteen days. His remains were interred in the burial ground of the first presbyterian church, in Market street, Philadelphia.

Thomas M'Kean outlived all the enmities which an active and conspicuous part in public affairs had, in the nature of things, created ; and posterity will continue to cherish his memory, as one among the most useful, and able, and virtuous fathers of a mighty republic :

Conscia mens recti, famæ mendacia ridet.

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SAMUEL OSGOOD.

Engraved by L. Rogers, after a Painting by Jarvis.

SAMUEL CHASE.

THE signers of the Declaration of Independence on behalf of the state of Maryland were four; SAMUEL CHASE, WILLIAM PACA, THOMAS STONE, and CHARLES CARROLL of CARROLLTON.

Among the patriots of the revolution, none were more actively engaged during its most trying scenes, and few more distinguished in after life, than SAMUEL CHASE.

He was born on the seventeenth of April 1741, in Somerset county, Maryland, and was the child of the Reverend Thomas Chase, a very learned clergyman of the protestant episcopal church, who emigrated from England, and married Matilda Walker, the daughter of a respectable farmer.

The Rev. Mr. Chase having lost his wife, and succeeding at nearly the same time to the pastoral charge of St. Paul's parish, in Baltimore, removed with his son to that town in the year 1743.

Baltimore was, at that period, merely a village, and afforded little opportunity for the education of boys; indeed, nine years afterwards, a schoolmaster seems to have been still a desideratum, for a gazette of that date contains an advertisement, offering good encouragement from the inhabitants.

to any one of "sober character," competent to "teach English, writing and arithmetic."

The Rev. Mr. Chase was, however, perfectly well qualified to instruct his son. He had enjoyed the best advantages which England afforded, and was a scholar of remarkable attainments, as well as an enthusiast in classical learning ; a proof of which was given in his laborious translation of the poem of Silius Italicus, enriched with copious and learned notes, a work bearing the marks of great talent as well as perseverance, which yet remains in the hands of his descendants awaiting sufficient encouragement for its publication.

Under the tuition of a parent so accomplished and so devoted to learning, the young Samuel acquired a degree of erudition uncommon among his compeers ; and at the age of eighteen, with the established character of a good scholar, was sent to Annapolis to commence the study of the law.

Pursuing his studies, under the superintendence of Mr. John Hammond, and Mr. John Hall, with the earnestness that marked all his conduct through life, he was admitted to practise in the mayor's court at the early age of twenty, and two years afterwards was licensed for the chancery and some of the county courts.

He chose Annapolis for his permanent residence, and very soon became known as an able, eloquent and fearless lawyer ; with the reputation superadded, at least among the more staid and loyal inhabitants, of being too little inclined to respect the dignity of the provincial officers.

In after years he gave abundant proof of extraordinary talent ; but his early success in his professional career, was perhaps a more equivocal test ; since the opportunity for distinction was then such as the present aspirants to forensic fame may not hope to see. The number of practitioners at

Annapolis was so small, that if the courts had any occupation, the lawyers could not fail, all to have clients. "I qualified," says Mr. Chase in a letter written long after, "in 1761 in the mayor's court; the bar then consisted of three practitioners, Messrs. William Paca, John Brice, junior, and myself; all of us students of the law under gentlemen of Annapolis, who qualified merely for improvement, without the remotest view of profit."

He very soon married Miss Ann Baldwin, of Annapolis, a lady described, by those who recollect her, as remarkably amiable and intelligent, and who became the mother of two sons and two daughters, all of whom survived their parents.

Advancing continually in his profession, the few years that intervened between his coming to the bar and the commencement of the political troubles, were not signalized by any incident, except his marriage, that has been preserved by memory or tradition.

In this interval he became a member of the colonial legislature, and distinguished himself there not only by the vigour of his mind, but by the bold independence of his course, and his uncourtly bearing towards the royal governor and the court party.

The most memorable instance of the spirit which already animated him, is perhaps to be found in a vote by which he joined in the enactment of a new regulation on the subject of the compulsory support of the clergy; and by the provisions of which his own father, still rector of St. Paul's, suffered a diminution of one half his income. He was an heir of his father's property; but neither that consideration nor the fear of offending the old gentleman, could restrain him from

voting against the court party, and in favour of what he thought the rights of the people.

The stamp act, that first step in the career of ministerial folly, was heard of with less emotion, generally, in the southern than in the northern colonies; but every where the intelligence raised a flame of indignation and a spirit of resistance.

In Maryland, a meeting or convention of the "sons of liberty" assembled suddenly at Annapolis, and forcibly opening the public offices, seized and destroyed the stamps; and a band of youthful patriots, designated of course, in the courtly language of the day, as a mob, publicly burnt the effigy of the stamp distributor.

In both these exploits, which were the first examples of political mobs in Maryland, Mr. Chase bore an active and a leading part; and in consequence was designated by the mayor and aldermen of Annapolis, in a publication that formed part of a paper war, carried on between them and the grand jury, as a "busy, restless incendiary, a ringleader of mobs, a foul mouthed and inflaming son of discord and faction, a common disturber of the public tranquillity, and a promoter of the lawless excesses of the multitude."

Far from feeling these abusive epithets, proceeding from such a source, as a cause of shame to himself, he was gratified by being the object of such hatred, as he was thus endeared the more to that party with which he desired to identify himself. He, therefore, exultingly avowed his conspicuous agency in the proceedings of *the mob*, which, he declared, consisted of men altogether more respectable than the mayor and aldermen; but he earnestly denied a part of their accusation, which charged him with having at a former time spoken in justification of the stamp act.

He assailed the city authorities without mercy. "Was it a mob," his published letter asks, "who destroyed in effigy our stamp distributor? was it a mob who assembled here from the different counties of the province and indignantly opened the public offices? Whatever vanity may whisper in your ear, or that pride and arrogance may suggest, which are natural to despicable tools of power, emerged from obscurity and basking in proprietary sunshine, you must confess them to be your superiors, men of reputation and merit who are mentioned with respect, while you are named with contempt, pointed out, and hissed at as '*fruges consumere nati.*'" See the Appendix.

"I admit, gentlemen," he said, in another part of this publication, "that I was one of those who committed to the flames, in effigy, the stamp distributor of this province, and who openly disputed the parliamentary right to tax the colonies, while you skulked in your houses, some of you asserting the parliamentary right, and esteeming the stamp act a beneficial law. Others of you meanly grumbled in your corners, not daring to speak out your sentiments."

This was bold, perhaps saucy, language, for a young man of five and twenty, to apply to the constituted authorities of the town in which he resided; but the same uncompromising temper, apparent in this splenetic effusion, continued to be characteristic of Mr. Chase, to the latest period of his life.

The immediate cause of this hostility between him and the corporation, was to be found in his having acted as scribe for the grand jury, when they wanted a complaint against those municipal officers drawn up in proper form and forcible language. The stamp act having been repealed and contentment generally restored, allusions to the violences that had occurred before its abrogation, were introduced by his enemies

to keep up the recollection of transactions which they supposed he would wish to be forgotten.

The calm that followed the repeal of the stamp act was deceitful and transient; very soon new measures of aggression began to appear, and the vindictive act of parliament closing the port of Boston in 1774, roused the indignant colonists to action.

The several counties of Maryland having appointed committees of conference, they met in convention on the twenty-second of June, and having received letters from the Massachusetts committee, agreed to the proposal of a general congress of the colonies, and appointed Mr. Chase, and four others, delegates to attend such meeting, for the purpose of "agreeing on a general plan of conduct, operating on the commercial connexion of the colonies with the mother country, for the relief of Boston, and preservation of American liberty." Mr. Chase was also appointed one of a committee of correspondence for the colony.

He accordingly attended at the meeting of the congress at Philadelphia, in September, 1774.

The votes and proceedings of congress were kept inviolably secret at that time, and although it is now supposed to be ascertained which of the members were entitled to the credit of preparing the very eloquent state papers issued during the session, yet the precise share taken in their consultations by each member, is not, even now, certainly known. The whole effort made by this congress was, however, pacific and conciliatory, and not such as the ardent temperament of Mr. Chase would allow him heartily to approve. It was an experiment founded upon an eloquent appeal from the ministry to the king and people of England, and was wisely, though unsuccessfully, made.

In December of the same year, which was before any intelligence could be received from the other side of the Atlantic of the reception which their persuasive addresses met with in Great Britain, Mr. Chase, with an additional number of colleagues, was re-appointed a delegate, to attend at the session to be held in the ensuing May.

Mr. Chase attended in pursuance of this appointment, and joined in the appointment of Washington, as commander in chief, the organization of an army, and all the other measures of defence then adopted.

This session, like the preceding one, was of brief duration ; but there was time for him to make many acquaintances and acquire some friendships, among men of the most distinguished talents and virtue of the country and of the age.

He was again elected in the summer of 1775, and attended during the early part of the second session of that year ; when his attention was particularly drawn to the affairs of the northern campaign, then prosecuting under the command of Schuyler and Montgomery, and concerning which strong, but fallacious, hopes were entertained.

He returned to Maryland before the close of the year, and remained at home a few weeks only. He then repaired to Philadelphia, and acted with the very important committee charged with the ways and means of fitting out a naval armament.

The situation of the Maryland delegates was not at this time at all gratifying to their feelings ; Mr. Chase, at least, certainly found it extremely irksome. The convention, in renewing their appointment, had expressly restricted them from voting in favour of a declaration of independence ; and however anxious they might be to see such a measure adopted,

they were bound by their acceptance of this limited appointment, to withhold from it their active and open support.

The resolutions of the convention, first disavowing any desire of independence, and enjoining on their delegates to vote accordingly; then subsequently repeating the same sentiments and instructions, and again finally withdrawing the restriction, are matters of history, and need not be reiterated; it is sufficient to refer to them to show how slowly the province of Maryland became fully inspired with that spirit of liberty which Mr. Chase, and many others of her sons, had imbibed in so large a degree.

In the spring of the year 1776, he received an appointment of the highest trust that congress could bestow—the mission to Canada, in conjunction with Dr. Franklin and Mr. Carroll; and he gladly accepted it, not only because the services to be performed might be of the most important benefit to the country, but also because it took him away from the necessity of voting either against his instructions or against his conscience, in case the question of independence should be speedily agitated in congress.

Great expectations had been indulged of important advantages to be gained by this embassy; indeed, a favourite object with congress from the commencement of the disputes with the British government, had been to rescue Canada from the royal dominion, and attach that flourishing dependency to the continental union; or rather, to enable the Canadians to exercise a free choice upon the subject, no doubt being entertained of their desire to join the confederacy.

The choice of commissioners was made, therefore, with extreme care, and implied the utmost confidence in the talents, zeal and fidelity of the gentlemen that were selected. Two members only were appointed for this delicate task, Dr.

Franklin, who stood deservedly pre-eminent, and Mr. Chase, then a young man of little experience in public affairs, but known already for extraordinary abilities and the most ardent patriotism.

To these were added Mr. Charles Carroll of Carrollton, and his brother, afterwards the archbishop of Baltimore, both of whom, it was supposed, would be able to exercise a powerful influence with the catholics in Canada.

The reverses which befel the arms of the continentals on the northern frontier, prevented whatever success might otherwise have attended this mission. We are not able to detail the incidents of the journey made by Mr. Chase in the fruitless attempt to fulfil the object of his appointment; but it is, at least, to be recorded in justice to his fame, that he was selected by congress as the associate of Franklin, in an employment so difficult and momentous.

When he returned to Philadelphia, he found that the proposition had been actually made to issue a declaration of independence, and his trammels, therefore, sat more uncomfortably upon him than ever. He hungered and thirsted for independence with an eagerness that knew no bounds, and yet was still tied by those ill-timed instructions, and had the mortification to see Maryland holding back when nearly all the rest of the colonies had pronounced their wish for an immediate renunciation of the royal authority.

At about this period, an occurrence took place of a very singular nature, which drew forth a display of Mr. Chase's characteristic fearlessness and decision.

Among the members of congress, there had prevailed the utmost confidence and mutual respect; and although differences of opinion existed, there was not supposed to be any want of sincere and faithful attachment to the common cause.

But Mr. Chase discovering, by what means is not known, that the Rev. Dr. Zubly, a delegate from Georgia, was in correspondence with the royal governor of that province, immediately denounced him to congress as a traitor. Zubly admitted the truth of the accusation by a hasty flight, and measures were instantly taken for his arrest, but without success.

The proposition still under discussion in congress, respecting an immediate declaration of independence, was impeded at this time by the instructions against such a measure which had been given by the Maryland convention and the Pennsylvania assembly. The instructions of his constituents were a galling yoke to Mr. Chase. With his characteristic activity, he left his seat in congress, traversed Maryland, and in concert with his colleagues and other friends assembled county meetings, at which he obtained an expression of sentiments more congenial with his own. The convention, then sitting at Annapolis, could not resist the overwhelming torrent of county addresses; and on the twenty-eighth of June, Mr. Chase wrote to Mr. Adams, the great leader in congress—"Friday evening, nine oclock. I am just this moment from the house to procure an express to follow the post, with an unanimous vote of our convention for independence. See the glorious effect of county instructions. The people have fire, if it is not smothered."

The painful restriction on his own vote being now removed, he hastened after the express, came the one hundred and fifty miles, from Annapolis to Philadelphia, on Saturday and Sunday, was in his place on Monday morning, and voted with the majority, which on that day adopted the decisive resolution.

He was re-elected on the fourth of July, 1776, again on the twentieth of November of the same year, again in February, 1777, by the house of delegates, and in December, 1777, by the general assembly. Until the end of the year 1778, he was generally at his post, except occasionally when, for a few weeks, the representation from Maryland being full without him, he turned his attention to his own private or professional affairs ; and during all the time of his attendance, he was constantly chosen a member of all important, as well as many unimportant, committees. The number and variety of the duties devolved upon him by this frequent and almost daily appointment, seem to have been greater than ought to have been imposed on any one man, however industrious and able. The most discordant subjects, whether they were in their nature military, marine, financial, judicial, or political, without discrimination or mercy, were thrown upon his attention.

Urgent as were the calls of his professional duties and private interests, he did not hesitate to break off abruptly from the business in which he might be occupied, during his occasional visits to Annapolis, when he heard of any question being in danger of a wrong decision in congress, or any measure of wisdom and urgency requiring his support.

Thus very soon after he had joined in the vote for independence, having retired for a short interval to the pursuit of his studies and the care of his domestic concerns, he hastened back to Philadelphia on hearing that the plan of a confederation and a foreign alliance met with opposition and delay.

The anxiety of his mind on these subjects is plainly to be seen in a letter which he wrote to Richard Henry Lee, at this time. "I hurried to congress," he says, "to give my little assistance to the framing a confederacy and a plan for

a foreign alliance ; both of them subjects of the utmost importance, and which, in my judgment, demand immediate despatch. The confederacy has engaged our close attention for a week. Three great difficulties occur ; representation, the mode of voting, and the claims to the south sea. The whole might, in my opinion, be settled, if candour, justice, and the real interests of America, were attended to. We do not all see the importance, nay, the necessity, of a confederacy. We shall remain weak, distracted, and divided in our councils ; our strength will decrease ; we shall be open to all the arts of the insidious court of Britain, and no foreign court will attend to our applications for assistance, before we are confederated. What contract will a foreign state make with us, when we cannot agree among ourselves ? Our army at Ticonderoga consists of six thousand men, of which three thousand are in the hospital, from the small-pox and other camp disorders. Our army at New York contains fourteen thousand, of which only ten thousand are effective. Our flying camp in the Jerseys has but between three and four thousand troops. No news from general Washington. He writes, twenty-seventh, that eight sail, supposed to be part of lord Howe's fleet, arrived at the Hook that day."

In the autumn of the year 1776, Messrs. Wilson, Smith, Clymer, Stockton and Chase, were appointed a committee to "devise and execute" measures for effectually re-enforcing general Washington, and obstructing the progress of the British army.

To obstruct the progress of the British army was in effect the whole business of the government ; the appointment of this committee was, therefore, tantamount to a devolution of the entire powers of congress into the hands of a *directory* of

five men, and was intended as an alternative from conferring unlimited authority upon the commander in chief.

Pressing and important as were the duties of this executive committee, which, however, they soon found they could not fulfil, Mr. Chase was not therefore excused from giving his labour to other subjects. The removal to Baltimore, which occurred soon after, and the resolution providing that "general Washington be possessed of full power to order and direct all things relative to the department of war," superseded the executive committee and relieved them from a most embarrassing and perplexing task.

Another committee, of which he was a member, was appointed to devise means for suppressing the internal enemies of the union, and was obliged to notice the obnoxious conduct of the quakers, and to consider how far it was requisite to adopt strong measures in respect to them. The dangers of the period, and the magnitude of the stake, induced the committee to recommend, and congress to adopt, a measure that seems at this distance of time to have been harsh, but which was doubtless considered indispensably necessary at that crisis. This was the apprehension of several respectable members of the society of Friends at Philadelphia and elsewhere, and also the imprisonment of other persons whose conduct or conversation was exceptionable. This report and the agency which Mr. Chase had in its preparation and adoption, may have been the original cause of his thinking less unfavourably than a majority of his countrymen, at a much later period, of the sedition law, as it was called, which was founded on the same principle as these resolutions of the revolutionary congress, although it met with so very different a reception from the American people.

The reasons which Mr. Chase and the other members of the committee presented to congress, in support of their recommendation, were, "that the several testimonies which have been published since the commencement of the present contest betwixt Great Britain and America, and the uniform tenor of the conduct and conversation of a number of persons of considerable wealth, who profess themselves to belong to the society of people called Quakers, render it certain and notorious that those persons are with much rancour and bitterness disaffected to the American cause: that as these persons have it in their power, so there is no doubt it will be their inclination, to communicate intelligence to the enemy, and in various other ways to injure the counsels and arms of America.

"That when the enemy, in the month of December, 1776, were bending their progress towards the city of Philadelphia, a certain seditious publication, addressed 'To our friends and brethren in religious profession in these and the adjacent provinces,' signed 'John Pemberton, in and on behalf of the meeting of sufferings held at Philadelphia, for Pennsylvania and New Jersey, the twenty-sixth of the twelfth month, 1776,' was published, and as your committee is credibly informed, circulated amongst many members of the society called Quakers, throughout the different states:

"That the seditious paper aforesaid originated in the city of Philadelphia, and the persons whose names are mentioned have uniformly manifested a disposition highly inimical to the cause of America."

The committee, therefore, recommend that the persons of several well known quaker gentlemen should be "secured," together with such papers in their possession as might be of a political nature. And they add, that "whereas there is

strong reason to apprehend that these persons maintain a correspondence and connexion highly prejudicial to the public safety, not only in this state, but in the several states of America :

“That it be recommended to the executive powers of the respective states, forthwith to apprehend and secure all persons, as well among the people called Quakers as others, who have in their general conduct and conversation evidenced a disposition inimical to the cause of America: and that the persons so seized be confined in such places, and treated in such manner as shall be consistent with their respective characters and security of their persons:

“That the records and papers of the meetings of sufferings in the respective states, be forthwith secured and carefully examined, and that such parts of them as may be of a political nature, be forthwith transmitted to congress.”

However severe this treatment of the members of a sect generally unoffending, and far from seditious, may appear at first view, there was certainly much provocation given by the quakers in their publications prior to this time, intended to thwart and discredit the plans of congress ; besides the detection of a systematic scheme of communication with the enemy, which had been put in practice by a monthly meeting in New Jersey.

The testimony published by order of a general meeting of the quakers of Jersey and Pennsylvania and by subordinate meetings, also contained many seditious sentiments, which were of course widely circulated, and which congress could not but feel to be at the same time insulting and injurious.

Thus in the beginning of the year 1775, they had published an address or testimony, in which they say, in reference to the revolutionary movements which had then taken place, “we

have, by repeated public advices and private admonitions, used our endeavours to dissuade the members of our religious society from joining with the public resolutions promoted and entered into by some of the people, which as we apprehended, so we now find have increased contention, and produced great discord and confusion.

“We are, therefore, incited by a sincere concern for the peace and welfare of our country, publicly to declare against every usurpation of power and authority, in opposition to the laws and government, and against all combinations, insurrections, conspiracies, and illegal assemblies.”

Again, in the commencement of 1776, they concluded an eloquent anti-revolutionary address in these words, “may we firmly unite in the abhorrence of all such writings and measures, as evidence a desire and design to break off the happy connexion we have heretofore enjoyed with the kingdom of Great Britain, and our just and necessary subordination to the king, and those who are lawfully placed in authority under him.”

Subsequently to the Declaration of Independence, they persevered in the use of the same offensive language, exhorting their members to “withstand and refuse to submit to the arbitrary injunctions and ordinances of men who assume to themselves the power of compelling others, either in person or by other assistance, to join in carrying on war.”

They also complained bitterly, and perhaps not without cause, of having their blankets taken from them, under requisitions and to such an extent of deprivation as to be in danger of wanting “that needful covering in a cooler season.” And that their houses had been stripped of the leaden weights by “order of those who have in these tumultuous times assumed the rule.”

But the heaviest grievance which they suffered seems to have been the inconvenience they were put to in consequence of refusing to keep the appointed fast days, or to celebrate the first anniversary of the declaration of independence.

“The houses of several Friends,” they said, “have been wantonly abused, and their windows broke and destroyed by a rude rabble, for not joining with the present rulers in their pretended acts of devotion, and conforming to their ordinances in making a show of that sort, in shutting up our houses and shops, professedly to observe a day of humiliation, and to crave a blessing on their public proceedings, but evidently tending to spread the spirit of strife and contention.

“The like abuses and wanton destruction of our property hath lately been repeated, because Friends could not illuminate their houses, and conform to such vain practices and outward marks of rejoicing, to commemorate the time of these people’s withdrawing themselves from all subjection to the English government, and from our excellent constitution, under which we long enjoyed peace and prosperity.”

Before passing from this view of Mr. Chase’s congressional services, which we have seen were not surpassed by those of any other member, it may be excusable to set forth, in part, a most eloquent state paper which he drafted shortly before he relinquished his seat in congress.

In the spring of 1778, intelligence was received of the intention of the British parliament to pass certain acts, called conciliatory bills, providing for the appointment of commissioners to treat with the Americans. Congress were very jealous of the operation of this news upon the zeal and determination of the people, and had no faith in the sincerity of the ministry, whom they suspected of a design to divide and distract, but not to conciliate.

These drafts of intended bills were industriously, but secretly circulated by the tories, until congress caused them to be published, and circulated at the same time a countervailing address. The preparation of this paper was intrusted to Mr. Chase, Mr. Richard Henry Lee, and Mr. Gouverneur Morris, and the actual composition of it was left to Mr. Chase, and is marked by the nervousness of style and directness of assertion that characterized his writing and conversation. With less of rhetorical elegance than is found in the preceding addresses, particularly that of the year 1774, composed by Mr. Lee, it is not less persuasive and eloquent.

“Three years had now passed away,” thus it begins, “since the commencement of the present war, a—war without parallel in the annals of mankind. It hath displayed a spectacle, the most solemn that can possibly be exhibited. On one side, we behold fraud and violence labouring in the service of despotism; on the other, virtue and fortitude supporting and establishing the rights of human nature.

After a vivid and faithful picture of the war, from its commencement to the time then present, the unwillingness with which the colonists took up arms, the unprepared and defenceless condition of the country, the immense power of the enemy, their cruelty to prisoners, their employment of savages, their exciting the negroes to murder the whites, the ill success of all their efforts, and finally, their insidious attempt to lull the Americans into a false security, the address touches upon the better prospects that had opened to their view: “At length,” it is urged, “that God of battles, in whom was our trust, hath conducted us through the paths of danger and distress to the thresholds of security. It hath now become morally certain, that, if we have courage to persevere,

we shall establish our liberties and independence.—'The haughty prince, who spurned us from his feet with contumely and disdain,—and the parliament which proscribed us, now descend to offer us terms of accommodation. Whilst in the full career of victory, they pulled off the mask, and avowed their intended despotism. But having lavished in vain the blood and treasure of their subjects in pursuit of this execrable purpose, they now endeavour to ensnare us with the insidious offers of peace. They would seduce you into a dependence, which necessarily, inevitably leads to the most humiliating slavery."

The address then argues against reposing any trust in the conciliatory professions of the enemy, and calls on the people to make one strenuous effort more, which it promises will be sufficient : and concludes with an anticipation of the prosperity that would follow an honourable peace.

"If you exert the means of defence which God and nature have given you, the time will soon arrive, when every man shall sit under his own vine and under his own fig tree, and there shall be none to make him afraid.

"The sweets of a free commerce with every part of the earth will soon reimburse you for all the losses you have sustained. The full tide of wealth will flow in upon your shores, free from the arbitrary impositions of those, whose interest and whose declared policy it was to check your growth. Your interests will be fostered and nourished by governments, that derive their power from your grant, and will therefore be obliged, by the influence of cogent necessity, to exert it in your favour."

In order to disseminate this address the more widely the ad of the pulpit was invoked, and it was recommended to ministers of the gospel, of all denominations, to read it im-

mediately after divine service in their respective churches, chapels and other places of public worship.

The hall of congress was no place for the display of vehemement or passionate oratory. Sitting with closed doors, and without reporters or published journals, there was no temptation to speak, except for the purpose of convincing the judgments of the thirty or forty sedate and thoughtful patriots, who were not to be moved by declamation nor seduced by the graces of rhetoric.

Yet it was said of Mr. Chase, that on some occasions in debate, his ardour transported him far beyond the simple logic that the place seemed to require. In the Maryland house of delegates, of which he had been a member for several years before he appeared in congress; and also in the election contests, which were carried on with great animation, he had improved to a high degree of excellence his powers of energetic, forcible delivery. In the language of party he was, therefore, styled the ‘Demosthenes of Maryland;’ and it was reported of him that he anticipated in congress the regular proposition of independence, by the most impassioned and vehement exclamation, that “by the God of heaven, he owed no allegiance to the king of Great Britain.”

Ardent, active and undaunted he certainly was, not only in congress, but every where, in the cause of freedom, from his very entrance upon the stage of manhood until the consummation of his wishes in the peace and the acknowledgment of independence; and equally undaunted, ardent and active in the support of what he considered just sentiments and correct principles, during the latter part of his life.

His habits of study were never intermitted, except when they gave way to the calls of public duty. He found time, in the midst of all the anxieties and agitations of the revolution, to make himself a very accomplished lawyer; and never lost his rank as such among competitors who had given much less of their attention to affairs so disconnected with their professional advancement.

To the pursuit of eminence and honest profit at the bar, he devoted the last two or three years of the war; and in a private station hailed the return of peace and the establishment of secure independence.

In the year 1783, an incident occurred that, both on account of the importance of its consequences and the strong light in which it displays the warmth of feeling and keen penetration of Mr. Chase, ought not to be omitted.

Being in Baltimore, he was induced to attend, as an auditor, the meeting of a debating club, composed chiefly of students and very young men. Among the speakers there was one whose excellent style of delivery, fine voice, and strength of argument, particularly caught his attention. He spoke to the youth after the debate had closed, and found he was from Annapolis, and had been placed with a physician and apothecary in Baltimore, where he compounded medicines, and expected to receive instruction in pharmacy and medical practice. Mr. Chase advised him to study law, and encouraged him to hope for success in the legal profession. To this the youth replied, that he could not afford to go through the preparatory course of study, being entirely without means, and having no dependence except upon his own immediate exertions. Mr. Chase, with the sympathy of kindred genius, felt for the friendless youth an instantaneous regard, and perceiving at once the indication of great native powers, resolv-

ed that a mind so highly gifted should not languish in obscurity ; he therefore invited the young man to the benefit of his library, his instruction, and his table ; and urged upon him the immediate acceptance of the offer so earnestly, that it was promptly and gladly accepted, and the fortunate youth repaired to Annapolis, where he became established in the office of his generous benefactor.

This young man was William Pinkney, afterwards the eloquent attorney general of the United States, minister successively at the courts of London, Naples, and St. Petersburg, and the most distinguished lawyer in America.

The state of dependence which young Pinkney was obliged for a while to endure, subjected him to many mortifications, arising from the pride and the prejudices of his associates, but could they, or he, have looked forward to the brilliant destiny that awaited him, their pride and his distress would equally have vanished. Under the pressure of such feelings as his peculiar relation towards Mr. Chase excited, he wrote to him in these terms. “ Never, sir, in writing to any person, did I find myself so much at loss for a subject. I wish to say something worthy of your attention, but the very eagerness of that wish damps my abilities for doing it. But there is one point upon which I cannot but enlarge ; it touches me so sensibly that I am filled with the deepest regret every time I reflect on it.

“The greater part of the students belonging to the law seem to be my enemies, for what reason, heaven knows ! To some I may have given cause, to others, I am certain none.— You, sir, with all your discernment can hardly conceive the uneasiness of my situation ; destitute ! friendless ! and unhappy ! Opposed by all, supported by none ! troubled with a thousand domestic vexations ! oh ! be my patron and my

friend! Assist me to struggle through my difficulties, and kindly smooth the rugged path before me!

“You, give me leave to say, sir, know what it is to climb the steepy road to eminence,—your merit encountered many an adverse shock, but you surmounted all ;—my poverty and singular backwardness of genius are too powerful obstacles for me to combat. To you, then, I look up as my guardian genius, my protector, my prop ; do not let me be deceived, do not let me be disappointed. Pardon this incoherent scrawl. I have been lately extremely ill, and am but just recovering : weakness prevents me from proceeding farther than to wish you uninterrupted health, together with

‘ The soul’s calm sunshine, and the heartfelt joy.’ ”

This letter was written while Mr. Chase was in England, to which country he had gone at the request, and on behalf of the state of Maryland, for the purpose of urging a claim to certain bank stock, in which a large amount of the funds of the former colony had been invested before the revolution.

In the month of June, 1783, the legislature of Maryland passed an act “concerning the stock of the bank of England belonging to this state,” by which it appears that there had been a large sum of money, besides bank stock, belonging to the state, left in the hands of an agent in London. The general assembly thought it expedient to take measures to obtain this money, or the stock in which it had been invested, and by this act, authorized the governor and council to appoint, “in the name and behalf of the state, some discreet person of abilities and address, to be agent and trustee” for such purpose. Mr. Chase was selected for this employment, and was promised a commission, not exceeding four per cent.

on the nett sum recovered, in full satisfaction for all his trouble ; and no expenses were to be paid by the state, if he should be unable to obtain the stock.

He proceeded to London, and instituted a suit in chancery there, for the transfer of the stock, but did not remain to see the result. Before his return, however, he had put the claim in a train for the adjustment which was finally made, after Mr. Pinkney had joined his efforts in the same cause. The amount eventually recovered through this negotiation, was about six hundred and fifty thousand dollars.

Mr. Chase remained less than a year in England, during which time he gratified a rational, and, it may be said, a professional curiosity, in observing the proceedings of the various courts of justice and the two houses of parliament. He made many interesting acquaintances among gentlemen of the bar, and those of parliamentary or literary celebrity ; and the intelligence, frankness, fine flow of spirits, and remarkable powers of conversation which distinguished the American patriot and lawyer, made a most agreeable impression on the British statesmen and barristers to whom he became known.

He was a close observer of all that he saw, even of many particulars of taste and fashion, which a man of his great strength of mind, and habit of applying his attention to great national subjects, would scarcely be supposed to notice. For example, he wrote, for the amusement of his family, a very minute description of the appearance of the royal family at the theatre, from which we cite a passage, not on account of the dignity or interest of the subject, but as a proof of the minuteness of his observation.

“The king was dressed in a plain suit of clothes with gold buttons, with a large black ribbon across his breast. The queen in white satin, her head dress ornamented with a great

number of diamonds. The princess royal was dressed in a white and blue figured silk, and the princess Augusta in a rose coloured and white silk, of the same pattern with her sister's; having both their head dresses ornamented with diamonds. The prince of Wales wore a suit of dark blue Genoa velvet, richly trimmed with gold lace. The royal family were seated under three state canopies; their majesty's was a domo, covered with crimson velvet, surrounded by an elegant cornice and mouldings, carved and gilt with burnished gold, under which was hanging a drapery of crimson velvet tied up with gold knots and tassels; and above that a drapery roller, the whole trimmed with rich gold lace, and fringed and ornamented with embroidered stars, parterres, &c. &c. of various colours. On a rising pedestal from the domo, were a lion and unicorn, carved and gilt, couchant, supporting a very brilliant crown proper. The front of the box, raised by a platform projecting on the stage, was covered with crimson velvet, laced and fringed, in the centre of which were the royal arms, supporters and motto, most elegantly and beautifully embroidered on foils of their own proper colour, terminating on each side with scrolls and parterres in the same manner. From the capping hung a festoon, vallon, laced, fringed and decorated with embroidered stars. The inside of the box (which was very spacious) was hung with crimson satin, laced with gold, and the chairs were cabrioles, carved, gilt, and covered with crimson velvet. The queen sat on the left hand of the king, next the stage: two ladies, one the duchess of Ancaster, attended on and stood behind the queen, two noblemen attended on and stood behind the king."

He passed much of his time while in England in the society of the most eminent lawyers; was frequently in company with

the rival statesmen Pitt and Fox ; and had the gratification of being the guest of Edmund Burke, for one delightful week, at Beaconsfield.

On the third of March, 1784, at London, he was united to his second wife, Miss Hannah Kitty Giles, the daughter of Dr. Samuel Giles, of Kentbury ; and soon after this event he returned to America.

The incidents of this agreeable residence in England, formed the theme of many of his conversations in his latter years. He recurred always with pleasure to his intercourse with the remarkable personages of that country. But he did not seem to have acquired any admiration of the British government, which he ever spoke of as corruptly, though ably, administered.

His compensation having been contingent, and the delays of chancery proceedings having made it impossible for him yet to see the issue of his labours, he returned much impoverished, and recommenced the practice of the law.

His fidelity in the business with which he had been charged, was recognized by a "supplement to the act concerning the stock of the bank of England," passed in November, 1784, in which the legislature ratified and confirmed his proceedings, and authorized him to promote the suit which he had instituted, investing him with every power necessary for that purpose, and engaging to abide by the decision. He also received the approbation of the state of Maryland, expressed in the following resolution, viz :

"That it is the opinion of this general assembly of Maryland, that Samuel Chase, in conducting and negotiating the affairs of this state, lately intrusted to his care as agent, hath manifested great zeal and fidelity, diligence and ability, and a vigilant attention to the honour and interest of this govern-

ment, and that his said conduct merits, and therefore hath the approbation of this general assembly.”

In the year 1786, he removed from Annapolis to Baltimore. The occasion, or at least a part of his inducement, was the pressing invitation and generous proposal of his friend colonel Howard, the distinguished soldier of the revolution, whose heroism at the battle of the Cowpens has identified his fame with the just pride of our nation.

Colonel Howard possessed a large estate in the immediate vicinity of Baltimore, on which a portion of the city has since been built; and being anxious for the improvement of the town, and highly appreciating the possible acquisition of such a man as Mr. Chase to his neighbourhood, liberally offered him a square of ground, without any other consideration than the actual residence of himself and family upon it.

Colonel Howard's written proposal was dated the thirteenth of February, 1786, and is in these words: “Sir—I understand you have determined to remove to Baltimore town, which I approve and would encourage. I will convey to you, in fee, one square of ten lots of my land, near the square laid out and intended for the public buildings, without any consideration; and if the seat of government should be removed, and the public buildings shall be erected on my land, in such case I will convey to you, in fee, another square of ten lots, adjoining the square above mentioned, without any consideration.”

This singular offer, characteristic alike of the liberality of colonel Howard and the estimation in which he held the influence of Mr. Chase, was immediately accepted; the square was laid out between Eutaw, Lexington, Fayette and Paca streets, the conveyance was regularly made, and Mr. Chase

built on this site the house of his permanent abode, where he lived and died, and which he left to his descendants.

At the time of his removal from Annapolis he received an affectionate compliment from the corporation of that city, of which he had been the recorder. It was dated the seventh day of September, 1786, and was expressed in these words: "Sir—The mayor, aldermen and common councilmen of the city of Annapolis, impressed with a due sense of the services rendered to this corporation by you, in the capacity of recorder thereof, do take this occasion to assure you of their entire approbation of your conduct, in the performance of the duties of that trust, and to acknowledge your ready exertion at all times to promote the interest and welfare of this city. They sincerely regret the occasion of this address, as your removal from the city of Annapolis will deprive this body of a faithful and able officer, and the city of a valuable citizen. You have our warmest wishes for your happiness and welfare."

To this very kind and complimentary address Mr. Chase made the following reply: "The address of the mayor, aldermen and common councilmen of this city, presented me this day, affords me just pleasure, as I flatter myself they speak the genuine sentiments of the citizens. As recorder of the city, duty and inclination urged me to enforce a due obedience to the by-laws, and assist in the framing of ordinances for the regulating the police of the city. In the discharge of this duty, I ever received the ready assistance of my brethren on the bench, and of the other members of the corporation, and but a small portion of merit is due to me. My abilities have been much over-rated by the corporation; I only wish they had been equal to my inclination to serve them.

“As one of the delegates of Annapolis, my public powers were exerted on all occasions to promote the interest and welfare of the city; and supported by my colleagues, my endeavours were in some instances crowned with success. I feel myself amply rewarded by the approbation of the body over whom you have the honour to preside. There can be nothing more agreeable to a public character, than to receive the public approbation of his conduct, from those who speak the collected and unbiassed sense of his constituents; and it is the only reward a free and virtuous people can bestow, and the only one an honest representative can expect.

“Be pleased to present the corporation my warmest wishes for their prosperity, and I sincerely hope that the city of Annapolis may be for ever distinguished for the harmony and friendship, the benevolence and patriotism of its citizens.”

In the year 1788 a new court of criminal jurisdiction was organized, for the county and town of Baltimore, of which Mr. Chase was named the presiding judge. This office being similar to that of recorder, which he had held at Annapolis, did not preclude him from the exercise of his profession. He continued at the bar, and served also in the convention which ratified, on the part of Maryland, the new federal constitution; but in the year 1791, on the resignation of Thomas Johnson, he finally relinquished the practice of the law, in accepting the appointment of chief justice of the general court of Maryland.

The attractions of judicial station seem to be irresistible. The acceptance of it generally involves a sacrifice in point of income, and the relinquishment of an honourable profession, for a position of great labour, vexation and responsibility; yet such appointments are seldom refused. Mr.

Chase was still in the meridian of life, and possessed of talents and acquirements that ensured a lucrative career at the bar. But he unhesitatingly gave up the prospect of professional eminence, together with the opportunities of political distinction which his character and situation would have afforded, and chose his reputation as a judge the chief criterion according to which his name must be estimated by posterity.

When the new constitution went into operation, judge Chase was not at first altogether pleased with the state of public affairs. His construction of the relative powers of the president and the senate, in respect to appointments, would seem singular at this time. Our ideas of the constitution are now formed more generally from observing its actual operation, than by study of its written provisions; but, in the beginning of its existence the letter of the instrument was the only guide, and looking to that alone, he supposed it would be the duty of the president to submit a list of candidates for each office to the senate, who would make the selection out of this number, and so determine the appointment.

In some particulars he seems to have found cause for dissatisfaction; thus he wrote to Mr. Lee in July, 1789: "I sometimes see debates in the lower house of parliament, but none in the senate. I hear their doors are locked; if true, I am sorry for it. I retain my republican principles, although our government, and the principles of the people, are changed, and are monarchical. I approve of the amendments of the senate to the impost bill: the duties are yet too high, and experience will prove it. I think the subject of the bill ought to have been divided: duties for revenue; duties for the regulation of trade; and duties to encourage manu-

factures, if you have any power by the constitution to impose taxes or duties for these purposes. I perceive by the bill for the establishment of the judicial courts, that the jury trial is secured. If the jury trial depends on a law, I suppose it may be modified, or taken away by another law. I think the bill is ably drawn. I think there are some defects. The circuit courts ought not to have jurisdiction of cases under eight hundred dollars. The district court ought to have jurisdiction of juries to the amount of eight hundred dollars. The same persons ought, on no account, to be judges of law and equity. The restriction on the jurisdiction of the courts of equity will render the court useless in a thousand instances, in which it ought to have jurisdiction. It is difficult to define its jurisdiction, but the limitation will do great injury. I have written my idea of a proper clause, pointing out in what cases the equity courts shall have jurisdiction, to Mr. Housy. I consider the district court as the most useful and important; the superior court as the most honourable and profitable. If it is intended to give the district judge jurisdiction of prizes in time of war, his office will be very important, and will require considerable abilities, as well as integrity. I say if *intended*, because it is omitted."

A few years after this time, the unhappy dissension arose which divided this nation into parties, called federal and anti-federal, or federal and democratic.

The federal party was charged with entertaining aristocratic notions, and partialities for England; and with desiring to strengthen the executive branch of the government, and to depress the rights or disregard the will of the people.

We have seen in the letter just cited, what were judge Chase's general sentiments on the subject of the constitution, which even with his construction of the executive powers, he considered not sufficiently democratical.

We have seen also, in the events of his early years, how devotedly he served the cause of the people against the oppressions of the aristocracy and the royal power.

As to his feelings towards the British nation, there is proof, besides the evidence which his actions afforded, that he had imbibed, instead of partiality and attachment, a deep rooted and perhaps excessive animosity. Speaking of the contest between England and France, in a letter to an intimate friend, he said, "I wish most cordially to see that proud, wicked and tyrannical nation," meaning England, "reduced to beg terms of peace from her ancient and inveterate enemy."

With these principles and sentiments, neither changed nor enfeebled, he became a zealous and unwavering federalist, and continued to the end of his life firmly and ardently attached to that party to which views and feelings so opposite to his own have been so often and positively ascribed.

If there be any mystery in this, it is not our province to explain it. We may venture, however, to suggest, that the future historian of this country, looking back on the distractions and heats of the period to which we refer, will record many instances of pure patriotism and true republicanism on each side of the party line; and will say that a deal of strife and asperity arose out of questions possessing little intrinsic importance; that the parties misunderstood each other; and quarrelled only about men, when they thought they were contending for principles.

Whether as an exception to a general rule, however, or as an example of a whole sect, it is not for us to decide, but

certainly judge Chase was at the same time a sincere patriot, a true republican, no lover of England, and yet a decided, warm, and unwavering federalist.

His political opinions being founded on honest feelings, his ardent temperament did not suffer him to remain a lukewarm politician, in a period of universal excitement. He therefore expressed himself freely and forcibly on the subject at all times, and made many enemies by so doing.

In the year 1794, some excitement of popular indignation at Baltimore, occasioned a disgraceful riot, in which two men were tarred and feathered in the street. Judge Chase took a stand on this occasion highly honourable to his firmness, and his resolute determination to assert the supremacy of the law. Holding at this time, the office of chief judge of the criminal court, he took measures for an investigation of the outrage; and caused two men, of very respectable standing, and great popularity with the ruling party, to be arrested as ringleaders.

The court room was crowded by many who had taken active parts in the riot, and hundreds of the same character were about the court house, with drums and fifes, and with colours flying. The persons arrested refused to give surety to appear at the next court—"Then," said the judge, "you must go to jail." One of the most opulent citizens proposed himself as surety, but the prisoner refused permitting it, when the judge ordered the sheriff to take him to prison; the sheriff replied that he could not take him; the judge then told him to summon the posse comitatus to his assistance; it was answered, he could get no one to serve,—the judge then said, "summon me, sir, I will be the posse comitatus, I will take him to jail." A member of the bar, of the first respectability, then addressed the judge, advising him to pass

over the affair, and intimating to him, that he apprehended his life and property were in danger. "God forbid," was the emphatic reply of the judge, "that my countrymen should ever be guilty of so daring an outrage; but, sir, with the blessing of God, I will do my duty,—they may destroy my property, they may pull down my house over my head, yea, they may make a widow of my wife, and my children fatherless,—the life of one man is of little consequence compared to the prostration of the laws of the land—with the blessing of God, I will do my duty, be the consequences what they may." He gave the parties time to reflect upon the importance and propriety of yielding, and appointed the next day to meet them. It was observed that the morrow would be Sunday—"No better day," replied judge Chase, "to execute the laws of our country; I will meet you here, and then repair to the house of my God!" Not obtaining security for their appearance on Sunday, he sent an express to the governor and council, on that day, calling for the support of the state. On Monday, he was waited upon by three of the most wealthy and respectable citizens of Baltimore, to request him to desist, and give up the point, apprehending serious consequences to the city: He replied to them with great warmth, asked if they meant to insult him by supposing him capable of yielding the law to two obstinate men. They left him, and a few hours after, as the judge was going to court, the persons charged met him in the street, and consented to give the security. When the court met, the grand jury refused to find a bill against the parties accused, and delivered a presentment against Mr. Chase.

The presentment of the grand jury comprises only two specific charges against the judge. First, of having insulted them by openly censuring the sheriff for returning so bad a

jury. And, secondly, of having violated the bill of rights, by accepting and exercising, at the same time, two different offices,—chief judge of the criminal court, and chief judge of the general court of the state.

The reply of judge Chase was marked by temperate moderation and firmness. He gently reminded them how much they had gone beyond the proper sphere of their duties, in meddling with such subjects as the holding two offices, and justified his censure of the sheriff as well founded, to the extent that he had actually uttered it.

In the conclusion of this reply he told the jury, “you will, gentlemen, continue to do your duty, and I shall persevere in mine; and you may be assured that no mistaken opinion of yours, or resentment against me, will prevent my having respect for you *as a body*.”

In the year 1796, he was appointed by president Washington to the office of an associate judge of the supreme court of the United States. In this exalted station he continued about fifteen years, distinguished by the dignity and ability with which he performed its functions.

His decisions were seldom if ever reversed, his ability was conspicuous, his industry and integrity were unquestioned; his legal opinions and instructions to juries were marked by sound sense, clear demonstrative logic, discrimination and learning; expressed in perspicuous language, and delivered with remarkable impressiveness of manner.

He may fairly be said to have been a great judge; and was pronounced by a very distinguished lawyer of the Philadelphia bar, who was not his personal nor political friend, the “greatest” that he had ever seen; meaning, by that often misapplied term, the most prompt, sagacious and learned.

Yet with all this well deserved reputation, and notwithstanding the gratitude due to him from this nation, he was impeached by the house of representatives, tried before the senate on charges of high misdemeanor, and narrowly escaped condemnation.

The true cause of this incident in his life is to be found in his habit of unreservedly expressing opinions on national politics, and censuring freely where he thought censure was deserved.

In the year 1800, he held the circuit court, along with judge Peters, the district judge, at Philadelphia; where among the prisoners to be tried was John Fries, who had been charged with treason in raising an insurrection against the general government.

Fries had already been tried and convicted before judges Iredell and Peters; but a new trial had been granted on account of some irregularities on the part of a juryman. The prisoner had been strenuously defended by Mr. Lewis and Mr. Dallas, lawyers of distinguished talents, who had rested his cause on a point of law, and admitting or faintly denying the facts, had contended that all his misdeeds fell short of the legal definition of treason.

The court had on that occasion given an elaborate judgment on the law of treason, which had been the subject of much discussion among judges and lawyers, as the trial had excited strong public interest.

When the session of the court was approaching, judge Chase having considered the subject, and made up his mind fully in concurrence with judge Iredell, and knowing that the whole argument would be repeated before him, thought it would save time and trouble to inform the gentlemen concerned as counsel for Fries, and also the district attor-

ney, of the judgment which he had formed respecting the law.

With the approbation of judge Peters, therefore, he caused three copies to be made of his opinion, of which, when the court met, he gave one to Mr. Lewis, and one to Mr. Rawle, the district attorney, reserving the other avowedly for the use of the jury that should be impaneled. He told the lawyers, however, that he did not mean to prohibit their arguing the matter to the court or to the jury.

Mr. Lewis and Mr. Dallas, knowing that their client's case was desperate, immediately refused to attempt any defence, declaring that the cause had been prejudged. The next day judge Chase, finding the lawyers had, as judge Peters expressed it, "taken the stud," endeavoured to prevail on them to proceed with the cause, assuring them of every possible privilege and indulgence; but they thought the chance of obtaining a pardon would be better if Fries were convicted without any attempt at a defence, and they knew there was little hope of producing a result different from the former verdict.

Fries was tried without counsel, declining to allow others to be assigned for him; and convicted; but afterwards pardoned by the president.

The justification of judge Chase's conduct, in this matter, was very plain, to impartial spectators.

He had no motive for desiring to injure the prisoner, or to prevent him from having a fair trial. His uniform practice had been to war against the proud, not the abject. Stern and severe as he was in the administration of justice, he never had been known to be cruel or oppressive. In apprizing the counsel beforehand, of his opinions, he only did what the customary charge to the grand jury always does, and much

more publicly, before the cases are heard, that the judge knows are to come before him. It was done with the concurrence of judge Peters, and to those who know that estimable man, this is enough to show there could have been nothing intentionally wrong.

The congress were at that time in session, but even in that arena of licensed animadversion, the political enemies of the judge did not think of insinuating a censure. Yet, four years after, this was made the prominent article of an impeachment charging him with conduct "arbitrary, oppressive and unjust," and with having brought disgrace on the character of the American bench.

In the course of the same spring, he held the circuit court for the Virginia district. One Callender had published a libel, or what was called a libel, of a very atrocious character against the president; and was tried for it at this court. Judge Chase had, of course, heard of the man and of the publication, and did not consider himself bound by any obligation of law or morality to suppress his opinion of both. He approached the trial, however, with no wish for the success of any thing but justice. Certain technical questions arose as to the competency of a juryman and the admission of evidence, which the judge happened to rule in such a way as was not propitious to the views of the prisoner's counsel, who besides being disappointed by his decisions upon these points, were offended by the energy and abruptness of his manner.

Whether he was right in a legal view, is a mere question of special pleading; his decisions were subject to be overruled by a higher judicial power, but no appeal was taken.

In June of the same year, he presided at a circuit court for the Delaware district, at Newcastle. Here it was necessary

for him to give a charge to the grand jury, instructing them in the definitions of the crimes to which their attention would probably be directed.

The sedition law was at this period in force; a severe and impolitic law, it may be said to have been; and as it proved, an unfortunate enactment for the principal promoters and defenders of it. Still it was the law of the land, and judge Chase was bound to carry it into execution. It may be presumed, too, that he felt no repugnance towards this performance of his duty. The law resembled in its principles the resolutions of congress passed in 1778, which, as we have seen, were founded on a report, in the preparation of which he had joined, and were directed against the disaffected Quakers, whose sole offence was indiscreet or mischievous talking, and who were treated on that occasion with quite as much severity as was contemplated against the objects of the sedition law.

Judge Chase had always been in favour of strong measures, in the pursuit of what he thought a good object. Thus, we have seen him in 1765, joining if not leading a mob, in the insult to the stamp distributor; afterwards in 1777, he proposed to compel the tories to lend to congress, by making loan-office certificates a tender in all cases, so that, if A, a whig, owed B, a tory, instead of paying him money, which B would not lend to the continental government, he might pay the money into the treasury, and give B a loan-office certificate; a high handed measure certainly, this would have been, but the end would perhaps have justified the means. So again in 1778, he recommended the arrest of the Quakers; in 1794, he insisted on the imprisonment of the Baltimore rioters, and it is not surprising that

in 1800, he looked upon the sedition act as the wisest and most proper of all possible laws.

He certainly thought it incumbent on him to direct the attention of the grand jury towards a newspaper of notoriety in the district, which he understood or had reason to believe, was constantly transgressing the law intended to curb the licentiousness of the press. Judge Bedford, who sat with him on the bench, did not think it necessary to meddle with such matters, but the characteristic observation of judge Chase was, "My dear Bedford, wherever we are, we must do our duty."

Great changes were seen within a short time following this period. Mr. Jefferson was elected president, many laws were repealed, the judiciary system was enlarged and then again cut down, the Maryland constitution in some points altered ;—but party spirit remained undiminished.

In the year 1803, when the disputes on political questions had been very warmly carried on, the judge in delivering a charge to the grand jury, at Baltimore, took the opportunity of reading them a lecture on politics. This was rather out of time and out of place, but it must be remembered, that great latitude has at all times been allowed to grand juries, in this country, and we have seen them often interfere in matters that do not seem to be at all within their legitimate province ; a judge, therefore, in addressing them on political subjects, did not so much lead them from the track of inquiry which it was their duty to follow, as sanction a bad practice already existing.

The principal topic of his address, was the recent change in the constitution of Maryland, by the extension of the right of suffrage ; an innovation which he thought of the most pernicious consequence.

He also inveighed against the alteration that had been made in the judiciary system of the union, and argued fully against doctrines which he ascribed to the political leaders of the majority.

In January 1804, Mr. Randolph, incited by political animosity, moved in the house of representatives, for the appointment of a committee to inquire into the official character of judge Chase, and assured the house that there was ground for an impeachment.

The committee made their report on the sixth of March, recommending an impeachment; and on the twenty-sixth, the articles of impeachment, six in number, were reported. At the opening of the next session, Mr. Randolph renewed the matter, and two new articles were added. In due process of time and form, the senate was organized as a court, and he was put on his trial, which began on the second of January, and continued, after an adjournment, on the fourth of February, till the first of March, 1805.

The accusations were all founded upon the conduct which we have mentioned, at Philadelphia, Newcastle, Richmond and Baltimore, but attributed the worst of motives for that conduct which we have described as proceeding only from an earnest, and perhaps excessive love of justice, and zeal for political truth.

The details of the trial could not be given here, without swelling this memoir to an unreasonable extent. The utmost efforts of Mr. Randolph and the other managers were exerted to produce a conviction, and it was said that much reliance was placed on the spirit of party, and great exertions made to obtain an agreement among the majority to seize this opportunity of crushing a political foe, that had never spared his reproaches of their policy, their principles or their cha-

racters. But it may well be doubted whether any such unfair attempt was made, and certainly no such combination was formed.

He was assisted by four able counsellors and faithful friends, Messrs. Martin, Harper, Hopkinson and Key, by whom the defence was managed with skill and dignity. Their arguments were all extremely cogent, but it implies no disparagement to the others, to say that the speech of Mr. Hopkinson, who was then a very young man, has not been exceeded, as a specimen of powerful and brilliant eloquence, in the forensic oratory of our country.

As to five of the charges, he was acquitted by a majority of the senate; on the articles relating to the address to the Baltimore grand jury, and the refusal to admit evidence offered on the trial at Richmond, a majority of the senate voted against him, but as a vote of two-thirds is necessary to convict, he was declared to be acquitted of the whole.

It is remarkable, that John Fries, the prisoner whom he was accused in the first article, of a desire and determination to oppress and deprive of a fair trial, some time afterwards called on the judge, at his house in Baltimore, for the avowed purpose of thanking him for his impartial, fair and equitable conduct on that very occasion.

His spirit was not in the least depressed by the trial. He considered it a mere persecution, and was only the more confirmed by it in his distrust of the party which had gained the ascendancy. His health was, however, at this time failing, and he was obliged to absent himself during the progress of the impeachment, on account of a severe attack of the gout, which, added to the irritation that he felt towards his accusers, rendered him so impatient of the restraints which his situation, as respondent, imposed, that he could with

difficulty be withheld by his counsel from breaking out in open maledictions and scorn, before the high tribunal that was to decide upon his official character.

From this time he continued in the undisturbed exercise of his judicial functions, which he discharged with undiminished ability; and endeared to his family and his friends by the kindness and generosity of his private life and the charm of his conversation, which was singularly instructive and agreeable.

Among his virtues, may be included a heartfelt piety and firm belief in the truths of christianity. As a member of St. Paul's parish, he was at all times ready to afford his useful assistance and advice gratuitously to the vestry, on occasions of difficulty and embarrassment.

In the year 1811, his health gradually failed; his disease was slow in its progress, but of a nature to threaten certain dissolution. In the spring of this year he was compelled by increasing debility to forego his favourite exercise of riding on horseback; but continued to take the air daily in an open carriage. On these occasions he was always attended by one of his family, and being an enthusiastic admirer of the charms of nature, he discoursed with animation on the scenes that presented themselves before him. He was well aware that he had not long to remain with his family, and frequently conversed upon the subject, expressing himself with confidence and hope as a christian.

A short time before his death, he expressed a desire to receive the sacrament, and held several conversations on the subject with the clergymen of the episcopal church, in Baltimore. It was accordingly administered to him by the late Dr. Bend, after which he declared that he was in peace and charity with all mankind.

On the nineteenth day of June, he had taken his customary airing, and returned much exhausted by the sultriness of the weather. His death was now manifestly approaching. After the physicians were summoned to attend him, he spoke of his domestic concerns, gave several directions concerning his household, and was perfectly calm and resigned. He expostulated with his family against indulging the grief which their countenances betrayed ; and declined taking a draught of medicine that was offered to him, saying as he put it aside, "God gives life." He expired so gently, that those around him scarcely knew when he had ceased to breathe.

His last will bespeaks a characteristic dislike of outward show, in the direction, that no mourning should be worn for him, and the request that his tomb should have no other inscription than his name, with the dates of his birth and his death.

It may be safely said that Samuel Chase was one of the most extraordinary men of the age, and exerted over the minds of others an influence not less potent or extensive, than belonged to any of those distinguished persons who assisted in the establishment of this growing empire. With a mien and presence remarkably dignified and prepossessing, a lofty stature, well proportioned figure, and handsome countenance, he was gifted, also, if not with "a frame of adamant," at least with bodily vigour sufficient to support the most incessant activity ; and with "a soul of fire," as truly as the restless monarch to whom it has been beautifully ascribed.

He seemed to have been born for the occasion and the crisis ; and his fine intellect, undaunted courage, and fervid temperament, all ministered to the glorious result. He arrived at manhood just as the disputes between the colonies and the mother country began ; and from that time till the

declaration of independence, he moved about unceasingly like a flame, casting warmth and light around him. His contagious ardour and powerful rhetoric, made proselytes of his wealthy and less sanguine friends, who having much to lose, were timorous and lukewarm in the cause; and thus were some recruits enlisted that afterwards sustained their parts efficiently and nobly. His influence over the less considerate was unbounded; he was described as moving perpetually "with a mob at his heels." This was in the very commencement of the troubles, when he was the torch that lighted up the revolutionary flame in Maryland. His father was opposed to all these movements: the son encouraged an assemblage of young patriots to compel the old gentleman, with others, to take the oaths of fidelity to the new government. Disinterested and consistent in all things, he joined in a measure which reduced his father's income; his own he neglected in order to serve his country.

We have seen how efficient were his services, and how constant his labours during the war. As a judge, he was not quite in his most appropriate sphere; a colder temperament would have better suited the judicial station. Yet his faults were those of manner only; and happy would our country be to see always so much learning and excellent judgment, and pure integrity, in her judges, as marked the judicial character of Mr. Chase.

The vehemence of his feelings on the subject of party politics, was to be expected in a man who never had been lukewarm in his life. He could not separate his feelings from his judgment; and though he may have been mistaken, he was unquestionably sincere and firmly patriotic. "Yes, sir," said he to a son in law, a few years before his death, "you are a democrat; and you are right to be one, for you

are a young man ; but an old man, Mr. —, would be a fool to be a democrat.”

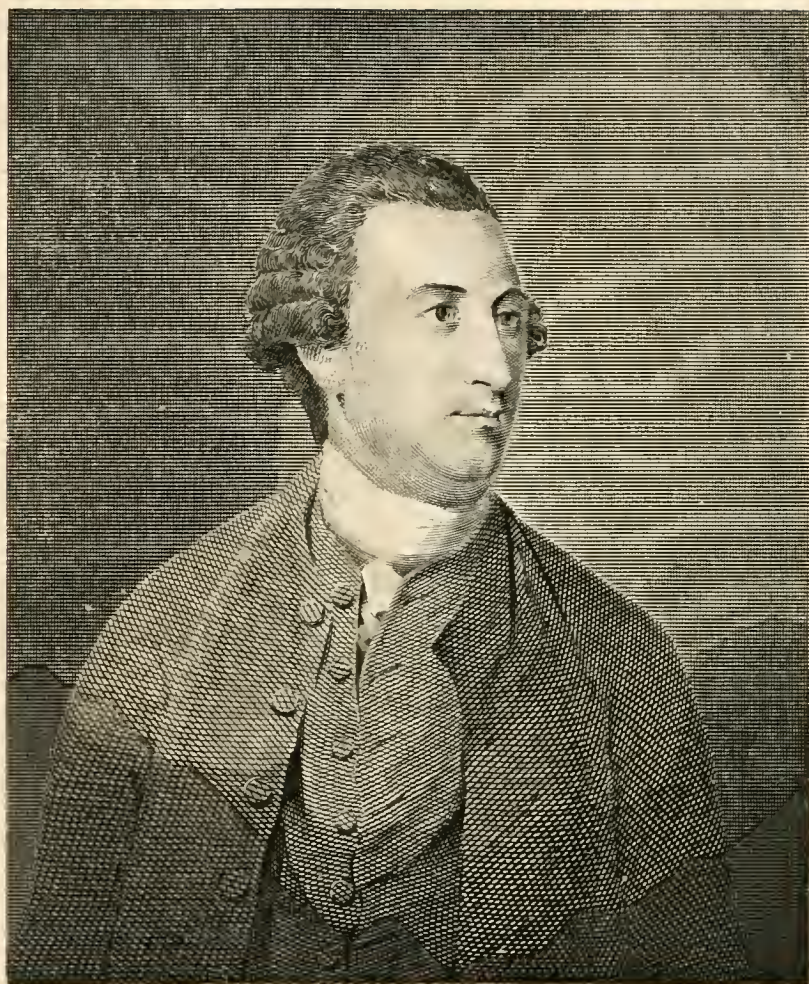
Such a man could not fail to make enemies ; but he had the happiness to retain through life the warm attachment of many friends whose persevering affection was a proof of his private virtues, more honourable to his memory than even the prominence of his public character.

William Paca was his intimate and most confidential friend, from the time of their beginning the career of professional life and patriotism, in 1761, till his death, in 1799. John Eager Howard, James M'Henry, Luther Martin, Robert G. Harper, bishop Carrol, and Nicholas Rogers, were among his nearest friends ; and other exalted names might be added to this enumeration.

His career was so active ; the part he bore in a period of excitement and difficulty so important ; the incidents of his long life so numerous ; that this sketch must be considered as but an outline, leaving room for a future biographer to add the interesting details in the history of a man, whose actions posterity will seek to be more intimately acquainted with, and whose character will be the more highly appreciated as it is more particularly known.

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WILLIAM PAEA.

Eng^d by P. Maverick from a drawing by J.B. Longacre from Copley.

WILLIAM PACA.

WILLIAM PACA, the second son of John Paca, of Harford county, in the state of Maryland, was born on the thirty-first of October, in the year 1740.

His father was possessed of large estates, and held an office of trust and profit under the provincial government; and being sensible of the advantages of a good education, spared no expense or pains to procure for his children the best instruction that the country could supply.

William was sent to the college at Philadelphia, then in high repute under the presiding care of the learned and eloquent Dr. William Smith, and was placed under the special superintendence of colonel White, father of the venerable bishop White, who watched over him with parental anxiety.

He was graduated as a bachelor of arts on the eighth of June, 1759, in the nineteenth year of his age, and immediately afterwards commenced the study of the law, at Annapolis, in the office of Stephen Bordley, one of the most profound lawyers of his time.

Mr. Paca continued to be an industrious student for four years, in the course of which period he contracted a matri-

monial engagement with Miss Mary Chew, daughter of Samuel Chew, a gentleman of distinguished family and large fortune, residing in Ann Arundel county.

To this lady he was united in May, 1761. He had the misfortune to lose her after a few years of happy union, at the beginning of the revolution. They had five children, all of whom died young, except their son John P. Paca who still survives, and married Miss Juliana Tilghman, daughter of Richard Tilghman, by whom he has several children.

Mr. Paca was admitted to the bar, at the provincial court, on the eleventh of April, 1764, and established himself at Annapolis, where he soon became eminent in his profession. He had been licensed to practise in the mayor's court in 1761, and his only competitors residing at Annapolis, were John Price and Samuel Chase, with the latter of whom, afterwards highly distinguished in the revolution, he contracted an intimate friendship, which endured without interruption until they were separated by death. They both became members of the provincial legislature, where many opportunities were afforded for the display of their abilities, and their minds were trained in the exercise of such controversial powers as they had occasion frequently and beneficially to use, in after life.

Mr. Paca appeared in the year 1771, as the representative, jointly with Mr. Matthias Hammond, of the citizens of Annapolis, in a public letter of thanks to Mr. Charles Carroll, for his exertions "as an advocate for liberty," in a paper war that had been carried on with great spirit, on the question of the right of the governor to regulate the fees of civil officers by proclamation.

The citizens having chosen those two young men to be their members of the legislature, at the same time appointed them to convey their approbation to the able advocate of the rights of the people, in opposition to the prerogative of the crown ; and their letter to Mr. Carroll asserts the doctrine, which was still to be established through years of bloodshed and privation, that the imposition or regulation of a tax, by executive authority, was an act of tyranny not to be endured. The occasion which led to this early assertion of sound principles, and which subsequently produced an important occurrence in which Mr. Paca was the chief actor, deserves some explanation and detail. To understand it fully it will be necessary to advert to the organization of the provincial government, and the means possessed by the government and people to maintain or resist oppression.

The government, as established by the charter in 1632, although well guarded against any interference on the part of the king and parliament over its domestic concerns, did not promise the same security against proprietary usurpation. The people had no share in the administration, except that the popular legislative branch belonged exclusively to them ; no law could be passed without their consent. This privilege was exercised by deputies, duly elected by the people, and forming the “ house of burgesses,” or lower house of assembly. There was a second legislative branch, called the upper house, the members of which held their places at the will of the proprietor, as did every other officer in the government, down to the lowest constable.

The proprietor himself generally resided in England, and exercised a power of dissenting from laws, after they had passed through all the authorities here ; and his governor, in

the province, formed a third branch of the legislature, without whose assent no act of assembly was complete; and to resist all this patronage, prerogative and wealth, there was nothing but this lower house of assembly, with their single officer, the serjeant at arms.

Although the government was thus armed, oppression was in a great measure averted. There was from the beginning and at all times, a protecting spirit, the inhabitant of a visible body denominated the country party, composed of the entire provincial population, excepting the proprietary adherents. This party sheltered the people, and their rights as British subjects; the people were ever most faithfully represented in their popular branch; it was unyielding, daring and successful. How could it be otherwise, when it was the unconquerable spirit, which had induced them or their ancestors to flee from tyranny and settle in a wilderness inhabited by savages.

This party acted on a plan somewhat similar to that of the opposition in the British parliament, but with purer motives; it was never without conspicuous leaders, brave and gifted men, who believed and hesitated not to avow that the proprietary faction had no other feelings towards the people of Maryland than those of unbounded avarice; and that if left to themselves, they would ruin the country.

The king of England was a master common to them both, but our people took the lead vastly in professions of loyalty; ever avowing that his majesty was deceived, and kept in ignorance by the proprietor, else he would call to severe account, and probably take the government from those who oppressed the very best subjects he had throughout his entire dominion. In truth, justice was generally on the side of the people in their broils with the proprietary faction; and if

appeals and fair representations could have been made to the king, perhaps he would in most instances have taken side with the colonists.

At the period above alluded to, between the years 1770 and 1772, there were, before the Maryland public, two subjects of great interest, independent of those which brought on the American war. The one related to an ancient act of assembly, by which a general poll tax had been laid for the support of the Maryland clergy belonging to the church of England, as established by law. This ought to be mentioned for the purpose of reference to a learned opinion given by Mr. Paca in the year 1772; when he contended against two very great lawyers, Daniel Dulany and James Holliday, that the act never had validity; it having been passed by a Maryland assembly after its dissolution by the death of William the third. The three opinions, which are very much at length and full, may be found in a compilation published in England by George Chalmers; entitled the "Opinions of eminent lawyers on various points of English jurisprudence." The perusal of Mr. Paca's opinion will satisfy any professional man that he was a well educated and profound lawyer. But as the act of assembly had been in operation for many years, he could do but little more than utter an unavailing denunciation. On the other interesting topic, which produced the incident above alluded to, his labours were not in vain.

Mr. George Chalmers, who published the above opinions, as also a valuable work called "Political Annals," was a lawyer settled in Baltimore at the time of the revolution. He took side against the country, went to England, and was employed for many years at the plantation board; amongst whose papers, he probably found these documents, as also

all others published in his collection, the whole of which relate to American colonial affairs.

The legislature of the province of Maryland had been in the habit, for many years antecedent to 1770, of passing temporary laws for regulating the staple of tobacco and limitation of officers' fees. In the year 1771, an act of this description expired, and the house of burgesses had refused to continue it, unless great alterations were made in the fee rates, which they considered ambiguous, and greatly above the value of the services to be performed by the proprietary officers; no agreement could be made, and the fee bill fell. In this state of affairs governor Eden issued a proclamation advising the officers to act under the old law. This proceeding created a violent commotion in the province; it was considered an attempt, on the part of the governor, to legislate without the assent of the people, and brought on a paper war between the two parties, which was conducted with unusual acrimony.

As early as the twenty-eighth of May, 1739, the house of burgesses had resolved that the regulation of officers' fees by proclamation or orders of council was an invasion of the fundamental constitution of the province, and in their session of November 1770, the period of the above excitement, the burgesses again resolved unanimously "that the representatives of the freemen of the province of Maryland have the toll right, with the assent of the other part of the legislature, to impose, establish and collect taxes or fees, and that the imposing, establishing or collecting any taxes or fees, on or from the inhabitants of this province, under colour or pretence of any proclamation issued by or in the name of the lord proprietary, or other authority, is arbitrary, unconstitutional and oppressive."

Notwithstanding these warnings, the governor issued his proclamation, and in the midst of the irritation occasioned by it, the scene above alluded to was exhibited in Annapolis. The country gentlemen affected to consider the proclamation so abominably odious to freemen, that it deserved nothing better than a gibbet; they accordingly, having a crowd of citizens, with Mr. Paca and Mr. Chase at their head, in open day formed a procession, taking with them the said proclamation, written on a conspicuous paper, with a small coffin, and proceeded to a gallows erected for the purpose, just outside the city, hanged it thereon by a halter, the usual time that a malefactor is suspended, then cut it down, enclosed it in the coffin, and buried it under the gallows,—minute guns firing from an elegant armed schooner, belonging to Mr. Paca, during the whole ceremony. The gentlemen then marched back to the city in order, and passed the rest of the day in festivity.

It may seem extraordinary that there should have been an armed vessel so long before the revolutionary war. It happened in this way: the gentlemen whose estates were situated on the navigable waters of the Chesapeake, contended with each other for superiority in their bay boats; and Mr. Paca put small ordnance on board his, for a distinction; so that when he came to Annapolis, his arrival was frequently announced by the sound of cannon.

At this juncture, there were doubtless many of the proprietor's adherents, perhaps the governor himself, in the city; his party, strong in numbers, and some of them high spirited men, were quick to resent any thing like a personal indignity, and amongst them there was a gentleman of fine talents, a native citizen of much wealth, and descended from a patriotic family, who had been educated in England, with a

view to his becoming a champion on the side of the people. The proclamation was hung on his land, he had taken an active part for the government, and wrote largely in favour of prerogative ; the publications were long, numerous and harsh : they yet exist in the ancient file of newspapers entitled the Maryland Gazette.

By such means as those above mentioned, and good management, in a bold, timely, intimidating expression and display of public opinion, ever at variance with authorities derived from hereditary power ; subordinate nevertheless to a common sovereign ; our people kept these authorities, continually under a kind of discipline, and within constitutional bounds. This was better for them, than if the encounters had been immediately with the king himself. The controversy was without cessation, especially between the two houses of assembly, and often with the proprietary governor. Thus it was continued down like an inheritance from father to son, and so it came to Mr. Paca, and to others most worthy to be named, such as John Hall, Samuel Chase, Matthew Tilghman, Thomas Johnson, jr. and a host of others.

In his day, Mr. Paca and Mr. Chase were the soul of the country party ; the efforts of which against ministerial and proprietary oppression, were manifestly successful ; as will appear, by looking into Bacon's edition of the laws of Maryland. The provincial system of jurisprudence, was well calculated to secure public liberty, and the right of self-government.

When the struggle did actually come, in 1774, against the king and parliament, could there be spirits better calculated, than those of Mr. Paca and his associates, to resist a tyrant ? They were trained to such exercises ; their rights as British subjects had been under the severest discussion for more

than a century ; and no colonists in America had a better knowledge of them, or were more resolute in their defence ; their history is little known, because it was like a family quarrel, and unheard of except within their own boundaries ; whereas, that of the other colonies, except Pennsylvania, was from the beginning, with the king himself, and of course a subject of greater notoriety. There may yet arise some one to tell their tale.

When the act of parliament which closed the port of Boston was first heard of, a convention of deputies from the patriotic portion of the community in each county of Maryland, assembled for the purpose of consultation. The sentiment of indignation against this act of vindictive tyranny was universal, as was the feeling of sympathy for the injured Bostonians ; no definite course could, however, yet be pointed out, as the most likely to lead to a redress of grievance ; but a congress of the several colonies having preceded, if not occasioned, the repeal of the stamp act, a few years before, a similar measure at once suggested itself to the minds of all. The committee of correspondence of Massachusetts had written letters, proposing such an assembly to be held at Philadelphia ; and the Maryland convention, acceding to the plan, appointed Mr. Paca, along with Mr. Chase and three others, to attend the congress, “to effect one general plan of conduct, operating on the commercial connexion of the colonies with the mother country, for the relief of Boston and the preservation of American liberty.”

The proceedings of that illustrious congress are too well known, to require that they should be detailed here. The object in view was conciliation, and a chief part of the business transacted during the session, was the preparation of the eloquent addresses or memorials to the king, the people of Great

Britain, and the people of the colonies. Besides issuing these immortal state papers, the congress adopted the non-importation association, and all the members signed it in the vain hope, that such an evidence of the seriousness of their feelings, and sincerity of their belief that injury had been done to them, would have some effect on the determinations of the ministry, or the disposition of the British nation.

The most remarkable clause in this agreement, or that which now strikes the mind of the reader most forcibly, as illustrative of the honourable feelings which prevailed here, contrasted with the narrow prejudices of the British government, is the one by which the slave trade was to be renounced and discouraged. Thus early did the American people bear emphatic testimony against that inhuman traffic, which the British government not only continued to permit, but in an unaccountable spirit of double cruelty, strenuously endeavoured to force upon the unwilling colonies.

In December of the same year, the same delegates with the addition of Mr. John Hall and Mr. Thomas Stone, were elected to represent the province of Maryland in the next continental congress, with ample power to agree to all measures which might there be deemed necessary to obtain a redress of American grievances. And the same appointment was renewed the following summer.

Mr. Paca's talents for business were appreciated, and he was called upon to serve on several laborious committees in the year 1775, when he was a constant attendant in his place. Among these were the committees charged with the consideration of the critical condition of North Carolina and Virginia; and that selected for the purpose of devising means to raise a naval armament.

Scarcely had he liberty to withdraw his close attention from the peculiar difficulties of the south, before he was appointed to attend to an alarm from the colony of New York. And while he was devoting his mind to these duties, his purse was open to the use of his public spirited countrymen ; a volunteer corps of whom he and his friend Chase supplied with rifles, at an expense of nearly a thousand dollars.

Mr. Paca was, during the year 1775, and part of 1776, restrained from openly advocating that national independence to which he was looking forward with such anxious hope, and for the attainment of which he was labouring so zealously in all the affairs appertaining to a state of actual war, that were agitated in congress.

The people of Maryland were not yet ready for a step so decisive as a total renunciation of the royal authority ; and it having been rumoured that such a plan was advocated by some rash persons, the convention early in the year 1776, in great alarm lest the young men that represented that province in congress should join in such a measure, tied them up by instructions which strictly enjoined upon them not to consent to any proposition for declaring the colonies independent ; a resolution was at the same time adopted, that Maryland “ would not be bound by the vote of a majority of congress to declare independency,” accompanied with strong professions of loyalty and affection towards the king and mother country, and an assertion that Maryland did not entertain any views or desire of independency.

Under this galling bondage were Mr. Paca and his colleagues obliged to rest. They did not resign, because they hoped for a change in the wishes of their constituents, and they feared to vacate those places which might be filled,

under the influence of the unhappy spirit then prevalent, with men of opposite principles to their own.

Mr. Paca continued therefore in the assiduous discharge of his duties, contributing his efforts to produce such a state of affairs as he hoped would render a separation from Great Britain, less repugnant to the inclinations of Maryland. He accordingly assisted in planning a naval armament, which according to his instructions could carry no independent flag ; in the procuring of saltpetre and other munitions, for a war to be waged against the forces of a king, to whom the Maryland convention were offering vows of loyal attachment ; and in the organization of an army to be employed in resisting the orders of that government, from which his constituents declared they had no wish to separate.

In the middle of May, at the very time when congress were declaring that the royal authority had ceased, and recommending to the respective colonies to organize governments founded on the authority of the people, the Maryland convention repeated their restrictions.

This state of affairs, however, could not last long. The exertions of the leading gentlemen on the patriotic side were indefatigable, and the convention were induced, on the twenty-eighth of May, to dispense with prayers for the king and royal family. This first step being taken, the rest became more easy, and finally, on the twenty-eighth of June, the convention recalled their instructions and left the delegates free to vote according to their inclinations, upon the question then under discussion before congress, of issuing immediately a declaration of independence. Thus being released from the trammels that had confined him, Mr. Paca

gave his cordial vote in favour of the proposition, and inscribed his name upon the declaration, which is destined to be read by the remotest posterity.

On the day when the declaration was dated, Mr. Paca was re-elected a delegate, and within a few weeks he had the satisfaction to see a resolution of the Maryland convention, approving of the decisive step, and pledging the lives and fortunes of the members in support of it. He was again chosen on the fifteenth of November of the same year, and on the fifteenth of February, 1777, and continued to be an active and efficient member of congress, during that season of severe trial and anxiety. He finally retired from congress at the close of the following year.

Nor was it merely in the general councils of the confederation that Mr. Paca took part during this period. He was at the same time actively employed in maintaining the good cause among the citizens of his own state, encouraging them to persevere, and employing all the resources of his mind to combat with the unceasing difficulties into which the declaration of independence had thrown them. Although an actual delegate in congress, he served as a member of the council of safety, whose duty it was made to regulate all operations for the security of the state, and to provide for its safety and defence; employing his personal exertions for the fulfilment of his trust, and animating his countrymen by his zeal as well as by the readiness with which he embarked and risked his large and much exposed property. In the month of August 1776, after having affixed his name to the declaration of independence, he went to the state convention assembled at Annapolis, and as a delegate from that city, took a prominent part in the discussions on, and formation of a new constitution founded on the change of government. In this con-

vention he warmly advocated all the principles which he had supported in congress, principles which should render the new state a useful and powerful member of the great confederation, into which she now entered as a sovereign power. On the adoption of the new constitution, it will be supposed that he was not omitted among those whom the people called on to administer its offices ; he was immediately elected to the senate, and held that post for nearly two years. In December, 1786, he was again chosen to the same station, but shortly afterwards resigned it. It may be remarked, that his popularity was not confined to the place of his residence, as he was at different periods a representative both of the Eastern and Western Shores of Maryland.

In the year 1777, Mr. Paca was married a second time, to Miss Anna Harrison, the second daughter of a highly respectable gentleman of Philadelphia, but as in the previous instance, without long enjoying the happiness of his union. That lady died in the year 1780, leaving a son who did not long survive her.

Early in the year 1778, he accepted the appointment of chief judge of the superior court of his state, a station for which he was perfectly well qualified by his legal acquirements and elevated character ; and the functions of which he continued to perform, with honour to himself and advantage to the state, until the year 1780, when he was appointed by congress chief judge of the court of appeals, in prize and admiralty cases. This station was new and arduous ; it was a branch of law relative to which he could have had no previous opportunity of gaining more than the most loose and general knowledge, yet one in which as it involved materially the rights of, and intercourse with foreign nations, a very sound judgment was required. The duties of the office he

performed with singular discretion, and with unimpeached correctness and integrity. His decisions met with the approbation of foreign governments and jurists, and several of them were so much esteemed as to draw from the count de Vergennes, at that time prime minister of France, an expression of high admiration, which he directed the chevalier de la Luzerne, the envoy of that nation, to communicate in his name to Mr. Paca.

From his duties to the confederation, he was soon recalled to fulfil the more immediate claims of his own fellow citizens. On the fifteenth November, 1782, he was chosen governor of his native state. The manner in which he performed the duties of this office was full of dignity and simplicity ; his attention was always strict and his judgment careful and correct. But he did not think it sufficient to confine himself, merely to those acts which a strict interpretation of official requisites might have demanded. He took especially under his care, the interests of literature and religion, which had of course suffered a rude shock, during the long war that had prevailed, and the overthrow or change of many existing institutions. He promoted, both by his public efforts and by his private donations, the establishment of a college, named after the "father of his country," at Chestertown, on the Eastern Shore of Maryland ; and at the first commencement for conferring degrees held within its walls, he had the gratification of receiving from the youthful graduates a grateful expression of their feelings, and an unexpected tribute to his worth. "To you," said the young gentleman turning to Mr. Paca, as he delivered the valedictory address, on behalf of his companions ; "to you in particular, most excellent sir, who (yourself a scholar and a patron of literature, and filling the seat of government in this state with dignity and virtue,)

think it even an addition to your other honours to take a share in the government of this institution, and to animate us with your applauding presence, we owe every mark of the deepest gratitude and respect."

The same paternal care which he thus displayed on behalf of literature he extended to religion; not the religion of a sect or a party, but that general inculcation and diffusion of the great principles of sacred truth, which as they form the happiness of individuals, so they secure the welfare of nations. Peace was scarcely established, when in an address to the general assembly he thus revived a subject, which he justly deemed inseparably connected with the interest of the state. "It is far from our intention" said he, "to embarrass your deliberations with a variety of objects; but we cannot pass over matters of so high concernment as religion and learning. The sufferings of the ministers of the gospel of all denominations, during the war, have been very considerable; and the perseverance and firmness of those, who discharged their sacred functions under many discouraging circumstances, claim our acknowledgments and thanks. The bill of rights and form of government recognize the principle of public support for the ministers of the gospel, and ascertain the mode. Anxiously solicitous for the blessings of government, and the welfare and happiness of our citizens, and thoroughly convinced of the powerful influence of religion, when diffused by its respectable teachers, we beg leave most seriously and warmly to recommend, among the first objects of your attention, on the return of peace, the making such provision, as the constitution, in this case, authorizes and approves."

This suggestion was met with a corresponding spirit by the legislature; and some of the sects at that time most nu-

merous in the state, obtained its aid. The episcopalians, especially, having met in convention about that time, prepared and presented to the governor an address, in which they thanked him for his "great care and attention manifested for the christian church in general, and her suffering clergy of all denominations; and prayed the continuance of his powerful intercession, till some law is passed for their future support and encouragement, agreeably to the constitution." And, in the same liberal and catholic spirit, Mr. Paca, answered, "That it would give him the highest happiness and satisfaction, if either in his individual capacity or public character, he could be instrumental in advancing the interests of religion in general, alleviating the sufferings of any of her ministers, and placing every branch of the christian church in the state, upon the most equal and respectable footing."

At the meeting of the convention of the same church in the following year, his friend, the learned Dr. Smith, dedicated to him the sermon which he delivered by appointment.

In the summer of 1784, the members of the society of Cincinnati, in the state of Maryland, met at Annapolis, and elected Mr. Paca their vice president, an office which he appears to have held until his death.

No governor ever presided over a state with more popularity than Mr. Paca. He was not only strictly attentive to his duties, but remarkably conciliating and prepossessing in his deportment. To young men especially he was always kind, and did every thing in his power to promote their improvement. He was in the habit, while at Annapolis in his official character during the winter season, and when the meeting of the legislature collected there all the men of intellect and science of the state, to have meetings or clubs to which they

were invited to hear the discussions of young law students, on questions and subjects which he proposed himself, and in selecting which he generally adopted those that were intricate, and led to the acquisition of practical knowledge. Many men who have since been highly distinguished, both as statesmen and lawyers, were trained in this admirable school. It was there that the celebrated William Pinkney began to shine, there first exhibiting those talents which in after time excited the admiration of all who listened to him. It was even then remarked by those who knew him, that this great advocate prepared himself for speaking in the same elaborate manner which he continued always to use. He wrote a great deal preparatory to public speaking, not with a view to repeat what he had written, but to sketch his thoughts on paper that nothing might escape him, and that he might seize and embellish to their full extent such as were brilliant; these he would introduce at their proper places with wonderful effect; in his orations there were many such, which were so happily managed as to have all the appearance of unpremeditated ebullitions.

Mr. Paca was a man of remarkably graceful address, fine appearance, and polished manners, he had mixed long in the best society, and had improved his social powers to a very high degree of refinement. In the office of governor his superiority in these respects was very strikingly displayed, and the courtesies of the executive mansion have never been more elegantly sustained, than during his tour of office.

Mr. Paca retired after one year's tenure, from the chief magistracy, and remained in private life until 1786, when, upon the death of general Smallwood, he again received and accepted the office of governor, which he filled, as before, but for one year.

He subsequently served in the state convention which ratified the federal constitution, and after the organization of the new form of government, he received on the twenty-second of December, 1789, an honourable testimony of the approbation of his fellow-citizens in being appointed judge of the district court of the United States for Maryland. The new government had just been organized, and the president displayed in his selection of persons to fill the offices, that prudence, patriotism, and sound sense which distinguished all the actions of his life. We have inserted in the life of Francis Hopkinson, an admirable letter, addressed to him on conferring judicial office, and that which he wrote to Mr. Paca, is equally worthy of preservation. They both indeed present one feature somewhat uncommon in these days, the solicitation, not to the government to grant, but the individual to accept office. General Washington's letter is dated the twenty-fourth of December, 1789, and is in the following terms :

“Sir—The office of judge of the district court in and for the district of Maryland, having become vacant, I have appointed you to fill the same, and your commission therefor is enclosed.

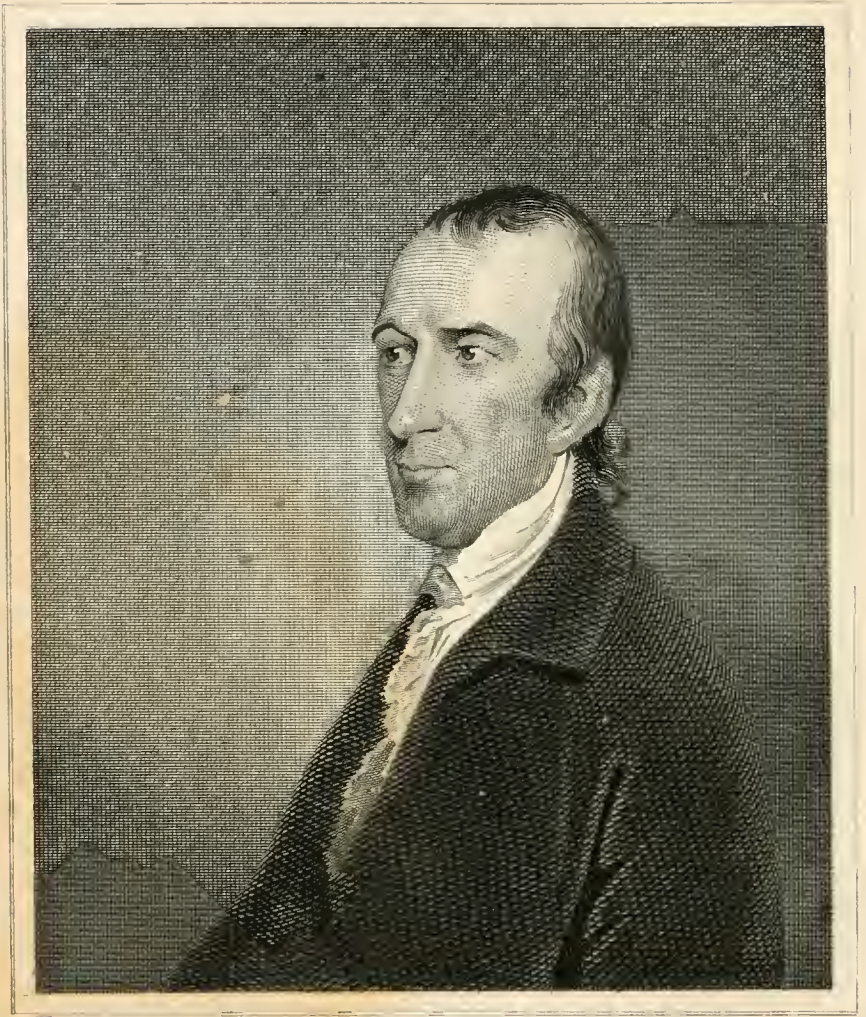
“You will observe that the commission which is now transmitted to you, is limited to the end of the next session of the senate of the United States. This is rendered necessary by the constitution, which authorizes the president of the United States to fill up such vacancies as may happen during the recess of the senate ; and appointments so made shall expire at the end of the ensuing session, unless confirmed by the senate. However, there cannot be the smallest doubt, but the senate will readily ratify and confirm this appointment,

when your commission in the usual form shall be forwarded to you. I presume, Sir, it is unnecessary for me to advance any arguments to shew the high importance of the judicial system to our national government, and of course, the necessity of having respectable and influential characters placed in the important offices of it. And as I have not a doubt but you are desirous of doing every thing in your power to promote the happiness and welfare of our country, I flatter myself you will accept this appointment. I am &c."

In the year 1790, he held the first circuit court, with judge Blair of the supreme court, and continued in the regular and able discharge of his judicial duties from that time until the year 1799, when, in the sixtieth year of his age, and with faculties unimpaired, and a character untarnished, he fell a victim to disease, leaving to his family the inheritance of a name illustrious for the virtues of public and private life, and to his country the example of a superior mind, devoted with pure disinterestedness to the establishment of her liberties.

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THOMAS STONE

Drawn by J. B. Longacre from a painting by Pine Engraved by G. B. Ellis

THOMAS STONE.

THE patriots who conducted our revolution, were generally men of exceeding modesty. Notwithstanding the importance of their actions, many of them are now distinguished in recollection by little that is peculiar in character or conduct. The diversity of talent and disposition, was not always discernible among men drawn forth from the privacy of domestic life, by the same public emergency, and moving with such unanimity as prevented any one from standing out conspicuously before the rest.

Where all were ready to go forward, there could scarcely be any leaders; and in so harmonious an assembly as the first congress, the particular characteristics of each member were not easily to be inferred from his votes.

It has happened, therefore, that some of those excellent persons returned to the shades of private life when their noble task had been performed, and were, in a measure, overlooked by their compeers, whose attention was engrossed by the events of an anxious period, involving their own safety as well as the freedom and honour of their country.

In such instances, however, the immediate friends of the retiring patriot have generally cherished the remembrance of such peculiarities as belonged to him; and however undiversi-

fied with striking incidents may have been the tenor of his life, there is still something to be told of him to gratify a rational curiosity.

Few distinguished names have faded more rapidly from public view than that of THOMAS STONE; yet none are remembered with more unqualified respect by a circle of surviving friends, whose exalted characters give an unmeasured value to their approbation.

He was lineally descended from William Stone, the governor of Maryland, during the protectorate of Oliver Cromwell, and was the son of David Stone, of Pointon Manor, Charles county, Maryland.

His mother was a sister of Daniel of St. Thomas Jenifer, a gentleman of distinction under both the proprietary and state governments, being for many years lord Baltimore's agent in the province, a member of the executive council, and one of the judges of the provincial court; and subsequently president of the state senate, delegate to congress, and a member of the convention which formed the federal constitution.

He was born in the year 1743, and was remarkable in early youth for the zealous pursuit of knowledge, and untiring industry, which continued to distinguish him through the whole of his life.

It is asserted, that in his boyhood, at the age of fifteen, his anxiety to acquire a classical education was so great, as to induce him, contrary to the prejudices of his father, who set little value on an acquaintance with Greek or Latin, to be removed, at his own earnest entreaty, from an English school to the school of a Mr. Blaizedel, a Scotchman, who taught the learned languages. This school was about ten miles distant from his father's residence; but it was his constant habit, until he had made himself conversant

with Latin and Greek, to rise at dawn, saddle his horse, and appear in school with the other pupils. An opportunity of acquiring this education, was the only inheritance which he ever received from his parents; although his father, was possessed of a large estate in land. According to the opinion then entertained of the rights of primogeniture, Pointon Manor became the property of Samuel, the elder son, of a former marriage; and Thomas, when removed from the school of Mr. Blaizedel, found himself under the necessity of borrowing money in order to prosecute the study of law. This he did in the city of Annapolis, under the auspices of Thomas Johnson, for whom he ever afterwards manifested a filial regard. He commenced the practice of the law in Fréderick town, in Maryland, and after two years he removed to Charles, county in the same state. During these two years, he liquidated the debt contracted while acquiring his legal education; and in the year 1771, previous to his removal, he married Margaret Brown, the youngest daughter of Dr. Gustavus Brown, of that county. The only property which this lady possessed, was the sum of one thousand pounds sterling. He was married in his twenty-eighth year, and his practice at that time was neither extensive nor lucrative. Great expectations were, however, entertained of him at this time. His decorous deportment, his great industry and attention to business, his steady, and perfectly correct habits, his manly and independent conduct, and above all, the opinion that was generally possessed, of his inflexible and incorruptible integrity, inspired hopes, that were never disappointed, that he was destined to be an honour and ornament to his profession and his country. After his marriage, he purchased a farm, near the village of Port Tobacco. Upon this farm his family, with four of his infant brothers, resided

during the revolutionary struggles. This was the most arduous period of his life. The farm which he had purchased was extensive, but the soil was thin ; the courts of justice were partially closed to his professional exertions ; and his time and talents were called to the aid of his suffering country.

The following letter, dated the twenty-eighth of April, 1775, was written at Annapolis, while he was a member of the Maryland assembly, and was addressed to Mrs. Stone :

“ We have this day received a confirmation of the unhappy contest between the king’s troops, and the people of New England ; and I am afraid it is too true. This will reduce both England and America, to a state which no friend of either, ever wished to see ; how it will terminate God only knows. My heart is with you, and I wish it was in my power to see you, but many gentlemen insist that I should stay to assist in deliberation on those important affairs. I wish to do my duty, and shall be obliged to stay here longer than I expected, but I hope to see you on Sunday, if nothing new occurs.

“ We have accounts, that numbers of people are killed on both sides ; which I am apprehensive, will preclude all hopes of a reconciliation between this and the mother country : a situation of affairs, which all thinking men must shudder at.

“ I wished to have heard from you, by post, but presume you thought I would be in Charles before this.

“ People here seem to feel very severely on the present occasion. I have determined to act according to the best of my judgment, rightly ; but, in the important and dangerous crisis to which we are reduced, the best may err. Pray God preserve you, and bless our little ones. We are like to see times, which will require all our fortitude to bear up against.

We must do our best, and leave the event to Him, who rules the affairs of men. I am in haste, most affectionately yours, &c."

He had not at this date commenced his career as a member of congress.

The excitement produced by the stamp act had been shared by him in a great degree proportioned to the ardent temperament of youth, and though too young at that time to take any part in public affairs, his political principles were fixed by the discussions to which he was then a listener, and the strong feeling of indignation, against the British ministry which he then imbibed.

It was not, however, until after the Boston port bill, and the other aggressions of the year 1774, that Mr. Stone came prominently forward into public life.

He was not a member of the congress of that year, but was added, along with Robert Goldsborough, to the delegation of Maryland, by a vote of the provincial deputies on the eighth of December, 1774, and took his seat accordingly on the fifteenth of the following May.

The powers with which these delegates were invested seemed sufficiently ample, they being authorised to consent and agree to all measures which that congress might deem necessary and effectual, to obtain a redress of American grievances ; and it was declared in the resolution appointing them, that the province bound itself to execute to the utmost of its power, all resolutions which the congress might adopt.

Mr. Stone attended punctually the meetings of the congress, and gave his time and attention faithfully to the du-

ties of his post. In July, 1775, he was re-elected, as were his colleagues, for one year further.

Although this was subsequent to the actual commencement of hostilities, the battle of Bunker's Hill, and the appointment of a commander in chief, yet the thought of independence had not yet become at all palatable in Maryland; and the provincial conference did not suppose, when they made this appointment, that their chosen delegates would suffer themselves to be carried away by what was then deemed so extravagant an enthusiasm, as to vote for such a measure.

Towards the close of the year 1775, however, the question of an entire separation from Great Britain, became the subject of very general discussion, both as to its policy and probability, and it was discovered that the Maryland delegates were much disposed to encounter the risk and venture upon a contest so unequal and even desperate, as it was considered by many of their constituents. Alarmed at this circumstance, the convention determined to restrain them by specific and strict instructions, and the following were accordingly prepared, and received the sanction of the convention, whose sentiments they well represent.

“The convention, taking into their most serious consideration the present state of the unhappy dispute between Great Britain and the united colonies, think it proper to deliver you their sentiments, and to instruct you in certain points, relative to your conduct in congress, as representatives of this province.

“The experience we and our ancestors have had of the mildness and equity of the English constitution, under which we have grown up to and enjoyed a state of felicity, not exceeded among any people we know of, until the grounds of

the present controversy were laid by the ministry and parliament of Great Britain, has most strongly endeared to us that form of government from whence these blessings have been derived, and makes us ardently wish for a reconciliation with the mother country, upon terms that may ensure to these colonies an equal and permanent freedom.

“To this constitution we are attached, not merely by habit, but by principle, being in our judgments persuaded, it is, of all known systems, best calculated to secure the liberty of the subject, to guard against despotism on the one hand, and licentiousness on the other.

“Impressed with these sentiments, we warmly recommend to you, to keep constantly in your view the avowed end and purpose for which these colonies originally associated, the redress of American grievances, and securing the rights of the colonists.

“As upon the attainment of these great objects, we shall think it our greatest happiness to be thus firmly united to Great Britain, we think proper to instruct you, that should any proposition be happily made by the crown or parliament, that may lead to, or lay a rational and probable ground for reconciliation, you use your utmost endeavours to cultivate and improve it into a happy settlement and lasting amity, taking care to secure the colonies against the exercise of the right assumed by parliament to tax them, and to alter and change their charters, constitutions, and internal polity, without their consent, powers incompatible with the essential securities of the lives, liberties, and properties of the colonists.

“We farther instruct you, that you do not without the previous knowledge and approbation of the convention of this province, assent to any proposition to declare these colonies

independent of the crown of Great Britain, nor to any proposition for making or entering into alliance with any foreign power, nor to any union or confederation of these colonies, which may necessarily lead to a separation from the mother country, unless in your judgments, or in the judgments of any four of you, or a majority of the whole of you, if all shall be then attending in congress, it shall be thought absolutely necessary for the preservation of the liberties of the united colonies; and should a majority of the colonies in congress against such your judgment, resolve to declare these colonies independent of the crown of Great Britain, or to make or enter into alliance with any foreign power, or into any union or confederation of these colonies, which may necessarily lead to a separation from the mother country, then we instruct you immediately to call the convention of this province, and repair thereto with such proposition and resolve, and lay the same before the said convention, for their consideration, and this convention will not hold this province bound by such majority in congress, until the representative body of the province in convention assent thereto.

“Desirous as we are of peace with Great Britain upon safe and honourable terms, we wish you nevertheless, and instruct you, to join with the other colonies, in such military operations as may be judged proper and necessary for the common defence, until such a peace can be happily obtained.

“At the same time that we assure you we have an entire confidence in your abilities and integrity in the discharge of the great trust reposed in you, we must observe to you as our opinion, that in the relation of constituent and representative, one principal security of the former is the right he holds to be fully informed of the conduct of the latter. We

can conceive no case to exist in which it would be of more importance to exercise this right than the present, nor any in which we can suppose the representative would more willingly acquiesce in the exercise of it. We therefore instruct you, that you move for, and endeavour to obtain a resolve of congress, that the votes given by the colonies on every question agitated in congress, shall appear upon the journals thereof; and if such resolve be obtained, that you, at the expense of this province, procure copies of the said journals, except such parts thereof as relate to military operations, and measures taken to procure arms and ammunition, and from time to time lay the same before the conventions of this province, showing the part you, as representatives of this province, take in such questions.

“And we farther instruct you to move for, and endeavour to obtain a resolve of congress, that no person who holds any military command in the continental, or any provincial regular forces, or marine service, nor any person who holds or enjoys any office of profit under the continental congress, or under any government assumed since the present controversy with Great Britain began, or which shall hereafter be assumed, or who directly or indirectly receives the profits, or any part of the profits of such command or office, shall, during the time of his holding or receiving the same, be eligible to sit in congress.”

Between the date of these instructions and the middle of the ensuing May, great efforts were made to induce the convention to assent to the scheme of independence; but the professions of loyalty previously made in this colony, were perfectly sincere, and the attachment to the royal government was so strong, that the instructions, instead of being

rescinded, were reiterated on the twenty-first of May, in the most emphatic terms.

The delegates in congress were upon that occasion re-elected—not unanimously—until the end of the next session of the convention; but it was at the same time unanimously resolved, “That as this convention is firmly persuaded that a reunion with Great Britain, on constitutional principles, would most effectually secure the rights and liberties, and increase the strength, and promote the happiness of the whole empire, objects which this province hath ever had in view, the said deputies are bound and directed to govern themselves by the instructions given to them by this convention in its session of December last, in the same manner as if the said instructions were particularly repeated.”

At the moment when these cautious instructions were adopted by the Maryland convention, the continental congress were, in effect, proclaiming an independent government. The resolution of the fifteenth of May, averring that all authority of the crown had ceased, and that it was necessary for each colony to frame a constitution of government for itself, could not be construed to signify less than independence.

Mr. Stone concurred with his colleagues, in approving of this bold and important step, and used his most earnest endeavours to procure the adoption, by the province of Maryland, of a form of civil government similar to those already agreed upon by some of the other colonies, and based exclusively on the authority of the people.

The question of independence at this time engrossed general attention, and by whatever causes it may have been aided, certainly the disposition to hazard the daring, but glorious scheme, rapidly increased.

In the latter end of June, the example of Virginia on the one hand, and of Pennsylvania on the other, proved irresistible, and Maryland was obliged to recall her instructions, and agree to the assertion of a free and independent government. The convention accordingly—though with manifest reluctance—resolved, “That the instructions given to their deputies be recalled, and the restrictions therein contained, removed; and that the deputies of said colony, or any three or more of them, be authorized and impowered to concur with the other united colonies, or a majority of them, in declaring the united colonies free and independent states; in forming such further compact and confederation between them; in making foreign alliances, and in adopting such other measures as shall be adjudged necessary for securing the liberties of America; and that said colony will hold itself bound by the resolutions of the majority of the united colonies in the premises; provided the sole and exclusive right of regulating the internal government and police of that colony be reserved to the people thereof.”

The Maryland delegates, after this, being left free to vote according to their wishes, recorded their names in favour of independence, upon the imperishable document which in eloquent language sets forth the “reasons that impelled them to the separation.”

On the day which saw this proud manifesto issued, Mr. Stone and his colleagues were re-elected, and in the ardour of feeling at that moment prevalent, the convention forgot to limit their powers by any prudential restraints. Mr. Stone, though not a prominent man in congress, was appointed on several important committees, such as that to consider the propriety and expediency of augmenting the

flying camp ; that on the miscarriages in Canada ; on certain letters from general Washington ; and, the most laborious of all, namely, that charged with the difficult task of preparing a plan of confederation.

There never was perhaps an undertaking of greater difficulty, than the formation of the confederacy at that period. Entire harmony, was, at all sacrifices, to be preserved as essential to the possibility of success in the great contest ; yet a diversity of sentiments almost boundless, prevailed among the representatives of different interests respecting the details of the intended compact.

The peculiar responsibility of Mr. Stone, in being the only Maryland delegate in the committee, when the sentiments of Maryland were particularly hostile to the measure, unless with conditions that it was found impossible to obtain from the other states, may easily be appreciated.

The anxiety and trouble occasioned to all, and especially to the committee which had the laborious work of preparation, are strongly portrayed in the letter addressed by congress to the respective states, in order to urge the adoption of the plan, as they had, after infinite compromises, finally arranged the articles.

“This business,” they observe, “equally intricate and important, has in its progress, been attended with uncommon embarrassments and delay, which the most anxious solicitude and persevering diligence could not prevent. To form a permanent union, accommodated to the opinion and wishes of the delegates of so many states, differing in habits, produce, commerce, and internal police, was found to be a work which nothing but time and reflection, conspiring with a disposition to conciliate, could mature and accomplish.

“Hardly is it to be expected that any plan, in the variety of provisions essential to our union, should exactly correspond with the maxims and political views of every particular state. Let it be remarked, that after the most careful inquiry and the fullest information, this is proposed as the best which could be adapted to the circumstances of all; and as that alone which affords any tolerable prospect of general ratification.

“Permit us then earnestly to recommend these articles to the immediate and dispassionate attention of the legislatures of the respective states. Let them be candidly reviewed under a sense of the difficulty of combining, in one general system, the various sentiments and interests of a continent divided into so many sovereign and independent communities, under a conviction of the absolute necessity of uniting all our councils and all our strength to maintain and defend our common liberties: let them be examined with a liberality becoming brethren and fellow citizens surrounded by the same imminent dangers, contending for the same illustrious prize, and deeply interested in being forever bound and connected together by ties the most intimate and indissoluble; and, finally, let them be adjusted with the temper and magnanimity of wise and patriotic legislators, who, while they are concerned for the prosperity of their own more immediate circle, are capable of rising superior to local attachments, when they may be incompatible with the safety, happiness, and glory of the general confederacy.

“We have reason to regret the time which has elapsed in preparing this plan for consideration: with additional solicitude we look forward to that which must be necessarily spent before it can be ratified. Every motive loudly calls upon us to hasten its conclusion.

“ More than any other consideration, it will confound our foreign enemies, defeat the flagitious practices of the disaffected, strengthen and confirm our friends, support our public credit, restore the value of our money, enable us to maintain our fleets and armies, and add weight and respect to our councils at home and to our treaties abroad.

“ In short, this salutary measure can no longer be deferred. It seems essential to our very existence as a free people, and without it we may soon be constrained to bid adieu to independence, to liberty, and safety--blessings, which from the justice of our cause, and the favour of our Almighty Creator visibly manifested in our protection, we have reason to expect, if, in an humble dependence on his divine providence, we strenuously exert the means which are placed in our power.”

Notwithstanding the eloquence of this appeal, the state of Maryland refused her assent until the year 1781.

But, to recur to the labours of Mr. Stone, and the rest of the committee, it is remarkable that from the twelfth day of June, 1776, when the committee was selected, consisting of one member from each colony, till the fifteenth day of November, 1777, when the confederation was finally agreed to, the committee were almost constantly occupied in preparing, amending and improving the act which was reported, and referred back again very frequently, and always altered to suit the views of congress, and obviate objections. It was the subject of debate thirty-nine times, and when concluded, after all this labour, was only an approximation towards the excellent constitution which was framed ten years afterwards.

The convention of the state of Maryland, when the emphasis of the excitement caused by the declaration of independence

had passed away, recurred to their former jealousy of their delegates in congress; and although it was too late now to restrict them as to measures of hostility towards Great Britain, yet chose to limit their powers as the formation of a confederation, and also to hint to them the possibility of retracing their steps, and agreeing to an accommodation with the royal government.

The contest for freedom had now gone so far, that it was frequently called a “glorious war”—the Maryland convention still termed it an “unhappy difference,” and were anxious to accommodate it on *any terms*, that a majority of congress might be brought to approve.

The resolution which indicated this state of feeling was in the following terms: “That the said delegates, [Mr. Stone and his six colleagues] or any *three* or more of them, be authorized and empowered to concur with the other United States, or a majority of them in forming a confederation, and in making foreign alliances; provided that such confederation when formed be not binding upon this state without the assent of the general assembly; and the said delegates or any three or more of them are also authorized and empowered to concur in any measures which may be resolved on by congress for carrying on the war with Great Britain, and securing the liberties of the United States, reserving always to this state the sole and exclusive right of regulating the internal police thereof. And the said delegates or any three or more of them are hereby authorized and empowered, notwithstanding any measure heretofore taken, to concur with the congress or a majority of them, in accommodating our unhappy difference with Great Britain, on such terms as the congress or a majority of them shall think proper.”

It happened, however, that no accommodation of the "unhappy difference" was made at all inconsistent with the highest claims of congress. The fears of the Maryland convention were not realized, though it must be confessed, the affairs of the newly established nation wore, for some time, a most discouraging aspect.

Mr. Stone was again re-elected in February, 1777, and after serving this tour of duty, and seeing the confederation finally agreed upon in congress, he left this scene of action, declined a re-appointment, and became a member of the Maryland legislature, where the plan of the confederation met with obstinate opposition, and required the aid of all its friends and advocates.

His services in the legislature were important, and in the discharge of his duties there, he was distinguished by the same fidelity, earnestness, and patriotic devotedness, which had been displayed in the course of his previous career.

His services in that assembly are thus described by a gentleman who sat with him there.

"He was most truly a perfect man of business; he would often take the pen and commit to paper, all the necessary writings of the senate, and this he would do cheerfully while the other members were amusing themselves with desultory conversation; he appeared to be naturally of an irritable temper, still he was mild and courteous in his general deportment, fond of society and conversation and universally a favourite from his great good humour and intelligence; he thought and wrote much as a professional man, and as a statesman, on the business before him in those characters; he had no leisure for other subjects: not that he was unequal to the task, for there were few men who could commit their thoughts to paper with more facility or greater strength of

argument. There was a severe trial of skill between the senate and the house of delegates, on the subject of confiscating British property. The senate for several sessions unanimously rejected bills passed by the house of delegates for that purpose; many, very long and tart, were the messages from one to the other body, on this subject; the whole of which, were on the part of the senate, the work of Mr. Stone, and his close friend and equal in all respects, the venerable Charles Carroll of Carrollton.

In 1783, he was again elected to a seat in congress, under the confederation, the adoption of which he had taken so much pains to obtain. He was present at the most interesting event of this period—the resignation of general Washington, at Annapolis; and in the session of 1784, was appointed on most of the important committees of the congress.

During the latter part of this year, he acted as president *pro tempore*, but declining a re-election to congress, he lost, by voluntary retirement, the honour of being chosen to preside over that dignified assembly, which would have followed of course, his temporary occupation of the chair.

From this time, during the short interval before his death, he was actively engaged in professional duties, and continued to serve in the senate of the state, but declined an appointment as a member of the federal convention, which met at Philadelphia in the year 1787, for the purpose of forming the present constitution of the United States.

After the conclusion of the war there was little occasion for the exercise of the talents and patriotism of the best men in Maryland, except in watching to prevent the introduction of injurious schemes and innovations.

In 1785, an attempt was made to establish a paper currency as a legal tender for the payment of debts. A bill for

this purpose was passed by the house of delegates, but promptly rejected by the senate, of which body Mr. Stone was still a member. An appeal being made to the people, a large majority refused to sanction the project.

At about the same time, Mr. Stone introduced into the senate a bill, drafted by himself, and which he advocated with all his eloquence, abolishing the right of primogeniture as previously existing according to the system of the English law.

The bill was enacted by both branches of the legislature, and remains the law of Maryland ; but it is remarkable that Mr. Stone made his own will in accordance with the principles of the law that he thus contributed so zealously to abolish.

In the year 1784, after he had finally relinquished his seat in congress and removed to Annapolis, his practice became very lucrative and his professional reputation rose to very distinguished eminence. He was employed in many very important causes, and his friend, Mr. Chase, always expressed the greatest satisfaction in having his assistance as a colleague in cases of difficulty. As a speaker, his strength lay in argument, rather than in manner. When he began, his voice was weak, and his delivery unimpressive, but as he became warmed with his subject, his manner improved, and his reasoning was clear and powerful.

He was a man of very strong feelings, and affectionate disposition ; and the tenderness of his attachment to his amiable consort, after forming the happiness of a large portion of his life, became the melancholy cause of its early close.

In the year 1776, while he was attending to his public duties in congress, Mrs. Stone visited Philadelphia with him, and as the small-pox was then prevalent in that city, it was

thought necessary to protect her from it by inoculation. She was accordingly inoculated, and the mercurial treatment, which was then deemed necessary, was pursued. From this time her health gradually declined. She was afflicted with rheumatism for eleven years, and her skin, which had before been marked with the glow of health, assumed a paleness which can scarcely be imagined by those who did not witness it. During the whole period of her ill health, her husband watched over her with untiring devotedness. But it was beyond the power of human aid to give vigour to her shattered constitution, and on the first of June, 1787, she died in Annapolis, in her thirty-fourth year. This was a death-blow to Mr. Stone. After this he declined all business, both public and private, except such as he deemed necessary to put his affairs in order. He was brought by his friends to his seat in Charles county, and there, during the summer after Mrs. Stone's decease, every effort was made to enable him to sustain the loss. But he sunk into a deep melancholy, and to the most soothing attentions of his friends he always answered, that he could not survive his wife. Dr. Brown, and Dr. Craick, who were his physicians, finding little amendment in his spirits, after the lapse of some months, advised him to make a sea-voyage. In obedience to their advice, he went to Alexandria to embark for England. While waiting at that place, for the vessel to sail, he expired suddenly, in his forty-fifth year, on the fifth of October, 1787.

A few days before his death, he wrote a letter of advice to his only son, then a boy, about twelve years old, which as the dying counsels of a virtuous parent, actually in the near prospect of death, will be read with interest, independent of the claims of the individual to our respect and public gratitude. It is this :

“My dear Frederick—I am now in a weak state, about to travel, and probably shall not see you more. Let me intreat you to attend to the following advice which I leave you as a legacy, keep and read it, and resort to it.

“In the first place, do your duty to God in spirit and in truth, always considering him as your best protector, and doing all things to please him; nothing to offend him; and be assured he is always present and knows all your thoughts and actions, and that you will prosper and be happy if you please him, and miserable and unhappy if you displease him. Say your prayers every day, and attend divine worship at church regularly and devoutly, with a pious design of doing your duty and receiving instruction. Think more of your soul’s health and the next world than of this, and never do wrong on any account. Be honest, religious, charitable and kind, guarded in your conduct, and upright in your intentions.

“Shun all giddy, loose and wicked company; they will corrupt and lead you into vice, and bring you to ruin. Seek the company of sober, virtuous and good people, who will always shew you examples of rectitude of conduct and propriety of behaviour—which will lead to solid happiness.

“Be always attentive to the advice of your uncles, Dr. Brown and Michael J. Stone, and do nothing of consequence without consulting them. Be respectful to your seniors, and all your friends, and kind to every body. Seek to do all the good you can, remembering that there is no happiness equal to that which good actions afford. Be attentive, and kind, and loving to your sisters, and when you grow up protect and assist them on all occasions.

“Take care not to be seduced by the professions of any person to do what your heart tells you is wrong, for on self approbation all happiness depends.

“Attend to your education and learning, and never let your mind be idle, which is the root of all evil, but be constantly employed in virtuous pursuits or reflections.

“Let your aim in life be to attain to goodness rather than greatness among men : the former is solid, the latter all vanity, and often leads to ruin in this and the next world. This I speak from experience.

“I commend you to heaven’s protection. May God of his infinite mercy protect you, and lead you to happiness in this world and the next, is the most fervent prayer of your loving father.”

Mr. Stone was a member of the protestant episcopal church, and a man of sincere and fervent piety, as the above letter bespeaks him. He was in figure tall, thin, and well porportioned. His complexion pale and sallow. His manners were those of a well bred man, not marked by ostentation or affected gracefulness, but rather reserved. His countenance, from the constant employment of his mind, wore the appearance of austerity, yet to his friends he was quite accessible. His conversation was generally familiar and instructive. Light and frivolous subjects rarely enjoyed his attention, yet he sometimes relapsed into gay and sportive humours. His disposition was mild, and his heart benevolent.

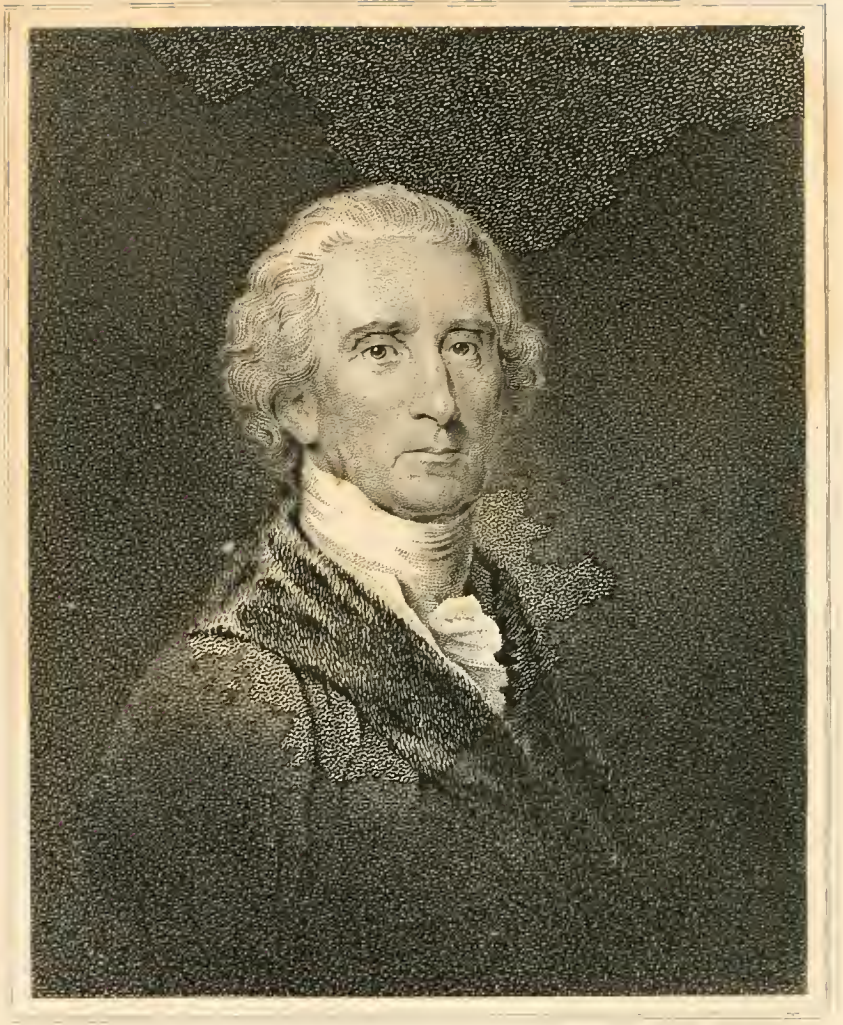
His appearance in early life had promised both health and strength, but his studious and sedentary habits, acquired in boyhood, and continued through life, had impaired a constitution originally vigorous. He was a taciturn man, of strong

feelings, and more remarkable for terseness of style than elegance of diction.

Besides his son, Mr. Stone left two daughters. The son died in 1793, a student of law, and a youth of excellent promise. The eldest daughter married Dr. John M. Daniel of Virginia, and died leaving several children. The other daughter now Mrs. Mildred Daniel, also of Virginia, is distinguished by the same virtues, which belonged to the character of her father.

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CHARLES CARROLL.

of Carrollton

Drawn & Engraved by J.B. Longacre from a Painting by Field.

CHARLES CARROLL.

CHARLES CARROLL, surnamed of Carrollton, the subject of the present sketch, and the son of Charles Carroll and Elizabeth Brook, was born on the eighth of September, 1737, O. S. (twentieth September, N. S.) at Annapolis, in the state of Maryland.

Charles Carroll, the son of Daniel Carroll, of Littelouna, King's county, Ireland, and of the Inner Temple, the grandfather of Charles Carroll of Carrollton, was a clerk in the office of lord Powis, under the reign of James second, and left England a short time previous to the accession of King William, to further his fortunes in America. At the instance and through the influence of lord Powis, Mr. Carroll was appointed, in 1691, to succeed colonel Henry Darnell as judge and register of the land office, and agent and receiver of rents for lord Baltimore in the province of Maryland. He appears to have been a man of influence and importance in the administration of the provincial affairs, and in 1718, was one of those who were expressly exempted from any disqualification on account of religion.

Charles Carroll, born in 1702, the father of Charles Carroll of Carrollton, took an active part in the affairs of the provincial government, and in the religious disputes of the

times stood prominent as one of the leading and most influential members of the Catholic party in Maryland. The disqualifications and oppression to which the Catholics were subjected, in the early part of the eighteenth century, amounted to a persecution. Roman Catholic priests were prohibited from the administration of public worship : the council granted orders to take children from the pernicious contact of Catholic parents : Catholic laymen were deprived of the right of suffrage ; and the lands of Catholics were assessed double when the exigencies of the province required additional supplies. Besides the oppression of legislative enactments, personal animosity was carried to such an extent, that the Catholics were considered as beyond the pale of fellowship ; not suffered to walk with their fellow subjects in front of the Stadt House at Annapolis, and finally obliged to wear swords for their personal protection. In this state of things a large portion of the Catholics of Maryland determined to emigrate, and Charles Carroll, then on a visit to his son in France, applied to the French minister of state, for a grant of land on the Arkansa river, at that time part of the French territory of Louisiana. The extent of the tract demanded, startled the minister as Mr. Carroll pointed to it on the map. He considered it too large to be given to a subject ; difficulties were thrown in the way ; and Mr. Carroll was obliged, at last, to return to Maryland, without having accomplished his object. Soon after Mr. Carroll's return, the rigour of the laws against the Catholics was relaxed, and they abandoned their intention of emigrating to the West. After an active and useful life Charles Carroll died in 1782, at the advanced age of eighty years.

In 1745, Charles Carroll of Carrollton, then eight years old, was taken to the college of English Jesuits at St. Omers,

to be educated. Here he remained for six years, and left it to pursue his studies at a college of French Jesuits, at Rheims. After staying one year at Rheims, he was sent to the college of Louis le Grand, and during his stay at this place, his father visited France, as before mentioned. From Louis le Grand, Mr. Carroll went at the expiration of two years, to Bourges, the capital of the province of Berry, to study the civil law, and after remaining there for one year, returned to college at Paris, where he continued until 1757, in which year he visited London, and taking apartments in the Temple, commenced the study of the law. In 1764, he returned to his native place, during the first discussion of those principles, which being honestly proclaimed, and fearlessly supported, occasioned the war of the revolution.

The violence of religious disputes had by this time almost entirely subsided ; and the irritation produced by the stamp act, in 1766, turned popular feeling into another and more interesting channel. From this period, political discussion became free and unreserved. Suspicion of the mother country induced investigation ; investigation developed principles and discovered rights ; and talent of a high character stepped forward to explain the one, and claim the other. Among those whose pens, at this time, were busily and successfully employed, were Chase, Stone, Paca, Dulany, and Carroll. If intemperate abuse at times mingled in the controversy, yet the general character of the arguments used was calm and dignified ; the disputants professing the greatest respect for the mother country, and, to the last moment looking for, and willing to receive, redress from the principles of its constitution.

Upon the repeal of the stamp act, things settled, in Maryland, into that calm, which always follows violent excite-

ment ; and matters of local interest became the chief topics of discussion. In these, the large landed property and extended connexions of Mr. Carroll gave him great weight ; and we find him constantly engaged in the discharge of the duties of an active and able citizen. In June, 1768, he married Miss Mary Darnell, the daughter of Henry Darnell, jr., and described in the chronicles of the day, as “an agreeable young lady endowed with every accomplishment necessary to render the connubial state happy.”

The calm which followed the repeal of the stamp act, continued undisturbed until 1771-2, when the attempt to establish the fees of the civil officers of the province by proclamation, roused again the indignation of the people, and called forth all the talent and energy of the political writers. The important part which Mr. Carroll took in this discussion requires some detail in the explanation of the cause of dispute.

In the year 1770, the fees of the civil officers of the colonial government became the subject of inquiry and investigation in the house of delegates ; in the course of which, many accounts were produced, demonstrating the abuse of the old table of fees in the mode of charging, and showing the necessity of a new law, commensurate with the increased wants and improved condition of the province. Upon full consideration of the whole matter, the lower house came to a resolution to adopt a new regulation of fees. A law for this purpose was framed, passed, and sent for concurrence to the upper house. Here it was violently opposed by those members whose profits of office would have been diminished by its passage ; and, through their influence, it was ultimately rejected. Had matters rested here, all would have been well. But governor Eden, with the advice of his council,

issued his proclamation, dated November, twenty-sixth, 1770, a few days after the prorogation of the assembly, "commanding and enjoining all officers, &c., under pain of his displeasure, not to take any other or greater fees" than those therein mentioned; in other words, and in the language of the day, "settling the fees by proclamation."

The proclamation was strenuously supported by its friends, as a proper and justifiable exercise of prerogative. The preamble stated, that the objects was "to prevent any oppressions and extortions from being committed under colour of office, by any of the officers, &c. in exacting unreasonable and excessive fees;" and entrenching themselves behind this expression, the advocates of the measure contended, that so far from being a subject of complaint or dispute, the proclamation ought to be considered as a barrier between the people and the usurpations of office. On the other side it was urged, that the exaction of fees, was to all intents and purposes a tax; that the power to tax a free people belonged exclusively to its representatives; and, therefore, that the proclamation of governor Eden, settling the fees, was an arbitrary and unjustifiable exercise of power.

In support of the measure, there were many advocates; and, among the rest, one who, in the form of a dialogue between two citizens, justified the proclamation, and gave the victory to its defender, the second citizen. Mr. Carroll then assumed the signature, and used the argument of the First Citizen; the "Editor of the Dialogue," fell into the back ground; and Daniel Dulany, provincial secretary, under the signature of Antillon, appeared as Mr. Carroll's antagonist. Perhaps there never was a newspaper contest, which excited more interest throughout the state of Maryland, than this. The great question of the revolution,

the right to tax the people without the consent of its representatives, was proposed and argued by the first citizen, in the boldest manner, and with the most extended views. "What was done?" continues Mr. Carroll, speaking of the disagreement between the two houses on the subject of the fees, "the authority of the chief magistrate interposed, and took the decision of this important question from the other branches of the legislature, to itself. In a land of freedom, this arbitrary exertion of prerogative will not, must not, be endured." This determined language startled even the adherents of the cause; and those who were in the secret of Mr. Carroll's authorship, looked with astonishment upon one of the largest landholders in the country, avowing sentiments which might be so injurious to him personally in their consequences. In the end, Mr. Carroll was victorious; Antillon was silenced, and, on the fourteenth of May, the proclamation was taken by a numerous procession to the gallows, suspended there for a time, and then burnt beneath them by the common hangman.

Complimentary letters of thanks were now addressed to the First Citizen, from all quarters, and published in the newspapers, as the only means of communication with an anonymous author. From the many before him, the writer of the present sketch has selected the following, as showing the estimation in which the exertions of Mr. Carroll were held throughout the province.

"TO THE FIRST CITIZEN,

"Sir, your manly and spirited opposition to the arbitrary attempt of government, to establish the fees of office by proclamation, justly entitles you to the exalted character of a distinguished advocate for the rights of your country. The

proclamation needed only to be thoroughly understood, to be generally detested; and you have had the happiness to please, to instruct, to convince your countrymen. It is the public voice, sir, that the establishment of fees, by the sole authority of prerogative, is an act of usurpation, an act of tyranny, *which in a land of freedom, must not, cannot, be endured.*

“The free and independent citizens of Annapolis, the metropolis of Maryland, who have lately honoured us with the public character of representatives, impressed with a just sense of the signal services which you have done your country, instructed us, on the day of our election, to return you their hearty thanks. Public gratitude, sir, for public services, is the patriot’s due; and we are proud to observe the generous feelings of our fellow citizens towards an advocate for liberty. With pleasure we comply with the instructions of our constituents, and in their names we thank you for the spirited exertion of your abilities. We are, sir, most respectfully, your very humble servants,

WILLIAM PACA,

MATTHIAS HAMMOND.”

When it became generally known that Mr. Carroll was the writer of the pieces signed “First Citizen,” the people of Annapolis, not satisfied with the letter of their delegates, came in a body to thank him for his exertions in defence of their rights.

The talent and firmness evinced by Mr. Carroll in his contest with Dulany, raised him at once to a high station in the confidence of the people; and we find him, during the years 1773-4-5, actively engaged in all the measures which were taken in opposition to the course of Great Britain’s

colonial policy. From the earliest symptoms of discontent, Mr. Carroll foresaw the issue, and made up his mind to abide it. Once, when conversing with Samuel Chase, in 1771 or 2, the latter remarked, "Carroll, we have the better of our opponents; we have completely written them down." "And do you think," Mr. Carroll asked, "that writing will settle the question between us?" "To be sure," replied his companion, "what else can we resort to?" "The bayonet," was the answer. "Our arguments will only raise the feelings of the people to that pitch, when open war will be looked to as the arbiter of the dispute." Some years before the commencement of actual hostilities, Mr. Graves, the brother of admiral Graves, and then a member of parliament, wrote to Mr. Carroll on the subject of the disturbances in America, laughing at the idea of resistance on the part of the colonies, and declaring that six thousand English soldiers would march from one end of the continent to the other. "So they may," said Mr. Carroll in his answer, "but they will be masters of the spot only on which they encamp. They will find nought but enemies before and around them. If we are beaten on the plains, we will retreat to our mountains and defy them. Our resources will increase with our difficulties. Necessity will force us to exertion; until, tired of combating, in vain, against a spirit which victory after victory cannot subdue, your armies will evacuate our soil, and your country retire, an immense loser, from the contest. —No, sir,—we have made up our minds to abide the issue of the approaching struggle, and though much blood may be spilt, we have no doubt of ultimate success." These opinions, openly avowed and supported by Mr. Carroll, on all occasions, cause him to be ranked with the Chase, Paca, and Stone, of

Maryland, and considered as one of the popular leaders of the day.

The influence which his abilities had procured him, being used with propriety and firmness, was confirmed in Mr. Carroll's possession, and his advice was asked in all emergencies of the troubled times which immediately preceded the declaration of independence. When the brig *Peggy Stewart* imported into Annapolis a quantity of tea, (an article forbidden by the resolution of the delegates of Maryland, June twenty-second, 1774,) the irritated populace, then collected from the neighbouring counties at the provincial court, threatened personal violence to the master and consignees of the vessel, as well as destruction to the cargo. The committee of delegates immediately met, and appointed a sub-committee to superintend the unloading of the vessel, and to see that the prohibited article was not landed. Still the excitement of popular feeling continued unabated, and the friends of Mr. Anthony Stewart, the owner of the vessel, applied to Mr. Carroll, as one most able to protect him from violence. Mr. Carroll's advice was concise and determined. "It will not do, gentlemen, to export the tea to Europe or the West Indies. Its importation, contrary to the known regulations of the convention, is an offence for which the people will not be so easily satisfied; and whatever may be my personal esteem for Mr. Stewart, and my wish to prevent violence, it will not be in my power to protect him, unless he consents to pursue a more decisive course of conduct. My advice is, that he set fire to the vessel, and burn her, together with the tea that she contains, to the water's edge." The applicants paused for a moment; but they saw no alternative, and Stewart, appearing immediately before the committee, offered to do what Mr. Carroll had proposed. In a few hours afterwards, the

brigantine Peggy Stewart, with her sails set, and her colours flying, was enveloped in flames, and the immense crowd collected on the shores of the harbour, acknowledged the sufficiency of the satisfaction.

In January, 1775, Mr. Carroll was chosen a member of the first committee of observation that was established in Annapolis, and in the same year he was elected a delegate to represent Anne Arundel county in the provincial convention.

In the early part of the year 1776, the momentous character of the proceedings of the general congress, then sitting in the city of Philadelphia, made that city the point of the greatest interest in the colonies, and the resort of all whose means enabled them to be present at the deliberations of their representatives. Among others, Mr. Carroll was an anxious and distinguished spectator. The talents which he had exerted in Maryland, in behalf of the great cause of American liberty, were well known and fully appreciated by the general congress, and in February, 1776, he was appointed a commissioner, with Dr. Franklin and Samuel Chase, to proceed to Canada, to induce the inhabitants of that country to join the United Provinces in opposition to Great Britain. The ample powers with which the commissioners were clothed shows the importance of the appointment; and the selection of Mr. Carroll, who was not in congress at the time, was a mark of distinction both honourable and gratifying. The commissioners were instructed to explain to the Canadians the nature of the institutions of the United Provinces, and the principles of the confederation; to urge the natural connexion which subsisted between Canada and the colonies; the mutual interest of both the countries to unite in opposition to tyranny, and the certainty of success from a well

directed use of their conjoined energies ; to guarantee such form of government as the Canadians might set up, together with the free and undisturbed exercise of religion ; to press the people to have a full representation in convention, to take into consideration the propositions of the United Provinces ; to establish a free press ; to settle all disputes between the Canadians and continental troops ; to sit and vote as members of councils of war for erecting or demolishing fortifications, and to draw on the president, for that purpose, for any sums of money, not exceeding one hundred thousand dollars in the whole ; to encourage the trade and commerce of the country ; to give credit and circulation to the continental money ; and to suspend any military officer, whose conduct, in the opinion of the commissioners, was improper or unjust.

In the resolution of congress, appointing the commissioners, Mr. Carroll is “requested to prevail on Mr. John Carroll to accompany the committee to Canada, to assist them in such matters as they shall think useful.” The standing and influence of Mr. John Carroll, as a catholic clergyman of talents and activity, it was hoped would be of essential service in the accomplishment of the mission, by removing from the minds of a catholic population all suspicion of interference on religious subjects.

The committee found many difficulties to contend with on reaching Canada. The ardour which had prevailed among the Canadians in favour of the measure, when the American troops first entered the country, had been damped by the inefficiency of the force employed, and almost wholly destroyed by the defeat and death of Montgomery. The inhabitants became provoked, when the want of regular supplies compelled the continental troops to support them-

selves by levying contributions on those whom they were sent to assist; and the priests, never, as a body, in favour of the cause, seized the moment of irritation to incense their parishioners against the United Colonies. Under these opposing circumstances, the commissioners did every thing that lay in their power. They issued proclamations; they promised privileges; and called upon the people to bear patiently the temporary evils, which, remittances and reinforcements from congress, would in a short time obviate. For a while, these assurances produced some effect: but the continuance of the causes of dissatisfaction; the want of specie, clothing and provisions; the disorder and sickness prevailing among the American troops, and their total inadequacy to the object for which they entered Canada, again occasioned murmurs among the inhabitants, and finally alienated their affections from the United Colonies. After remaining in Canada as long as there was a prospect of being useful, the commissioners returned to Philadelphia; and on the twelfth of June, 1776, a few days after their arrival, presented the written report of their proceedings to the congress then in session.

Mr. Carroll returned from Canada during the discussion in congress of the "Subject of Independence," and in time to see realized the result which he had anticipated and hastened, years before, in his controversy with "Antilon." But he found the representatives of his native state shackled with instructions, "to disavow in the most solemn manner, all design in the colonies of independence." These instructions were given by the convention of Maryland, in December, 1775, at which time Mr. Carroll strongly opposed them. On his return from Canada, he became more than ever convinced

of their impropriety in the present crisis, and hastened to Annapolis, to procure, if possible, their withdrawal,

On reaching Annapolis, Mr. Carroll resumed his seat in the convention, and advocated the withdrawal of the instructions of December, 1775, and the substitution of others in their stead, empowering the delegates in congress "to concur with the other united colonies, or a majority of them, in declaring the United Colonies free and independent states." His exertions in their behalf were indefatigable. No time was to be lost; the debates in congress were coming to a head; independence was already almost resolved upon, and the delay of a single hour might prevent Maryland from participating in its declaration. These, and other reasons, were urged by Mr. Carroll and his friends, to procure despatch in the deliberations of the convention, and on the twenty-eighth of June, the old instructions were withdrawn; new instructions were given, containing the powers proposed by Mr. Carroll; and, on the second of July, 1776, the delegates of Maryland found themselves authorized to vote for independence.

The zealous and active part taken by Mr. Carroll in procuring the instructions of June twenty-eighth, was the cause of his immediate appointment as a delegate from Maryland to the general congress; and on the fourth of July, 1776, when a new appointment of delegates was made by the convention, we find Mr. Carroll's name on the list, for the first time. The important business then before the convention, detained Mr. Carroll for some days in Annapolis, after his appointment; and on the sixth of July, he had the satisfaction of seeing the declaration of the convention of Maryland published to the world. This being, in part, the consequence of the new instructions, well deserves mention in

the story of Mr. Carroll's life, as a measure in the accomplishment of which he bore a distinguished part. After reciting the wrongs suffered from the king of Great Britain, the declaration continues,

“We, the delegates of Maryland, in convention assembled, do declare, that the king of Great Britain has violated his contract with this people, and that they owe no allegiance to him. We have therefore thought it just and necessary to empower our deputies in congress, to join with a majority of the United Provinces in declaring them free and independent states, in framing such further confederation, in making foreign alliances, and in adopting such other measures as shall be judged necessary for the preservation of their liberties. No ambitious views, no desire of independence, induced the people of Maryland to form an union with the other provinces. To procure an exemption from parliamentary taxation, and to continue to the legislatures of these colonies the sole and exclusive right of regulating their internal polity, was our original and only motive. To maintain inviolate our liberties, and to transmit them unimpaired to posterity, was our duty and first wish ; our next to continue connected with, and dependent on Great Britain. For the truth of these assertions, we appeal to that Almighty Being, who is emphatically styled the Searcher of hearts, and from whose omniscience nothing is concealed. Relying on his divine protection, and trusting to the justice of our cause, we exhort and conjure every virtuous citizen, to join cordially in defence of our common rights, and in maintenance of the freedom of this and her sister colonies.”

On the eighteenth of July, the credentials of the new appointment of delegates from Maryland to the general congress,

was received by that body, and Mr. Carroll, on the same day, took his seat as a member.

Although Mr. Carroll did not vote on the question of independence, yet he was among the earliest of those who affixed their signatures to its declaration. The printed journals of congress, indeed, make it appear, that the Declaration of Independence was adopted and signed on the fourth of July, by the gentlemen whose names are subscribed to it under the head of that date. But this impression, as has been explained in the life of Thomas McKean, is incorrect; because, in fact, not one signature was affixed to the declaration until the second of August. The idea of signing does not appear to have occurred immediately; for not until the nineteenth of July, as will appear by reference to the secret journals, did the resolution pass, directing the Declaration to be engrossed on parchment. This was accordingly done; and on the second of August following, when the engrossed copy was prepared, *and not before*, the Declaration was signed by the members, who on that day were present in congress. Among these was Mr. Carroll. Those members who were absent on the second of August, subscribed the Declaration as soon after as opportunity offered.

The above account is sustained, not only by the private and public journals of the congress of 1776, and by the facts previously referred to, but also from the following letter from Mr. Adams, while secretary of state, written to Mr. Carroll, on the twenty-fourth of June, 1824.

“Sir—In pursuance of a joint resolution of the two houses of congress, a copy of which is hereto annexed, and by direction of the president of the United States, I have the honour of transmitting to you two *fac simile* copies of the

original Declaration of Independence, engrossed on parchment, conformably to a secret resolution of congress of nineteenth July, 1776, to be signed by every member of congress, and accordingly signed on the second day of August, of the same year. Of this document, unparalleled in the annals of mankind, the original, deposited in this department, exhibits your name as one of the subscribers. The rolls herewith transmitted, are copies as exact as the art of engraving can present, of the instrument itself, as well as of the signers to it.

“While performing the duty thus assigned me, permit me to felicitate you, and the country which is reaping the reward of your labours, as well that your hand was affixed to this record of glory, as that, after the lapse of near half a century, you survive to receive this tribute of reverence and gratitude, from your children, the present fathers of the land.

“With every sentiment of veneration, I have the honour, &c.”

The engrossed copy of the Declaration of Independence was placed on the desk of the secretary of congress, on the second of August, to receive the signatures of the members, and Mr. Hancock, president of congress, during a conversation with Mr Carroll, asked him if he would sign it. “Most willingly,” was the reply, and taking a pen, he at once put his name to the instrument. “There go a few millions,” said one of those who stood by; and all present at the time agreed, that in point of fortune, few risked more than Charles Carroll of Carrollton.

A resolution having passed on the eighteenth of July, “that another member be added to the board of war,” Mr.

Carroll was appointed, and continued actively engaged in its arduous duties while he remained in congress. During the investigation by the board, of the disputes arising out of the Canada expedition, and in the consideration of the movements of the army in the north, the local knowledge which Mr. Carroll had acquired in his late journey, together with his acute observations upon the state of the country, and the character and disposition of the people, were of important service.

All the time that Mr. Carroll could spare from his duties in congress, he gave to the convention of Maryland, in which he still retained his seat ; and in the latter part of 1776, was one of the committee appointed to draught the constitution of that state. In December, 1776, he was chosen to the senate of Maryland, being the first senate under the new constitution ; and in February, 1777, he was re-appointed a delegate to congress by the general assembly.

Mr. Carroll continued in congress until the year 1778, when the treaty with France, removing from his mind all doubt as to the ultimate success of the war of the revolution, and his duty as a senator of Maryland requiring his attendance in Annapolis, he resigned his seat, and for the future devoted himself to the local politics of his native state. In the year 1781, he was re-elected to the senate of Maryland, in which he had already served five years ; and in December, 1788, was chosen representative of Maryland in the senate of the United States, immediately after the adoption of the federal constitution.

Congress then held its sessions in New York, whither Mr. Carroll repaired soon after his election, and took an active part in the business and discussions of the day,

always adhering to, and strongly supporting, the federal party.

In order that the seats of the members of the senate might not all be vacated at the same time, it became necessary, according to the constitution, to vary the length of the first terms of service, so that the regular elections for the future would, while they produced a biennial alteration, not occasion an entire change in any two years. To decide, therefore, who should remain senators for two years, who for four, and who for six, lots were cast, and Mr. Carroll fell into the first class, whose term of service expired at the end of the second annual session.

In 1791, Mr. Carroll vacated his seat in the senate of the United States, and in the same year was once more chosen to the senate of Maryland. In 1796, he was again re-elected; and in 1797, was one of the commissioners appointed to settle the boundary line between Virginia and Maryland. Mr. Carroll continued an active member of the senate of his native state until 1804, when the democratic party carried their ticket, and he was left out. In the year last mentioned, he retired from public life, after having been a member of the first committees of observation, twice in the convention of Maryland, twice appointed delegate to congress, once chosen representative to the senate of the United States, and four times elected a senator of Maryland.

We have now reached the termination of Mr. Carroll's public life, in his sixty-third year, and see him retiring among his fellow citizens to the quiet enjoyments of his family circle. His life, from 1801, up to the present time, affords few materials for a biography. It has glided along, in that tranquil happiness which the full enjoyment of every

faculty, the recollection of past honours, the possession of a large fortune, the affection and attention of children and grandchildren, and the respect of his countrymen, could bestow ; and in his ninetieth year, Charles Carroll of Carrollton finds his activity undiminished, his faculties unimpaired, and his feelings and affections buoyant and warm.

In 1825, one of Mr. Carroll's grand-daughters was married to the marquis of Wellesley, then viceroy of Ireland ; and it is a singular circumstance, that one hundred and forty years after the first emigration of her ancestors to America, this lady should become vice-queen of the country from which they fled, at the summit of a system, which a more immediate ancestor had risked every thing to destroy ; or, in the energetic and poetical language of bishop England, "that in the land from which his father's father fled in fear, his daughter's daughter now reigns as queen."

"Like the books of the Sybil, the living signers of the Declaration of Independence increased in value as they diminished in number." On the third of July, 1826, three only remained—John Adams, Thomas Jefferson, and Charles Carroll of Carrollton. On the fourth of July, 1826, the fiftieth anniversary of the day on which they pledged their all to their country, when the ten millions who were indebted to them for liberty, were celebrating the year of jubilee ; when the names of the three signers were on every lip, John Adams and Thomas Jefferson died, leaving Charles Carroll of Carrollton the last link between the past and present generations.

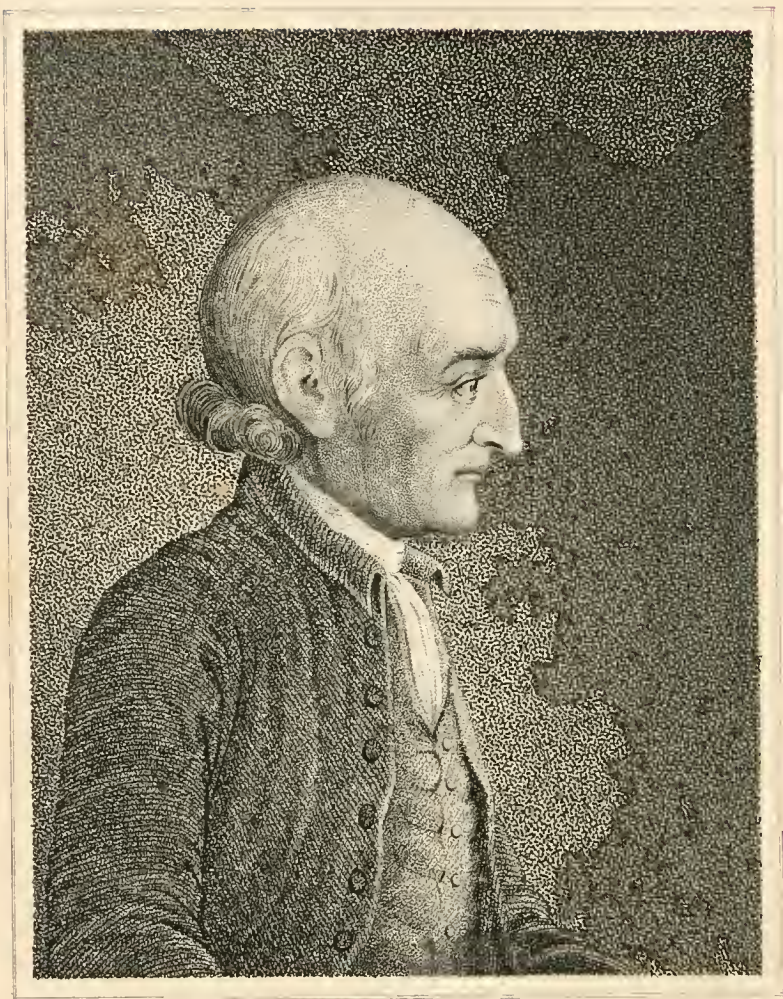
During thirty years passed in public life, embracing the most eventful period of the history of the United States, Mr. Carroll, as a politician was quick to decide, and prompt to execute. His measures were open and energetic, and he

was more inclined to exceed than to fall short of the end which he proposed. As a speaker, he was concise and animated ; the advantages of travel and society, made him graceful ; books, habits of study, and acute observation made him impressive and instructive. As a writer he was remarkably dignified ; his arrangement was regular ; his style was full, without being diffuse, and, though highly argumentative, was prevented from being dull by the vein of polite learning which was visible throughout.

In person Mr. Carroll is slight, and rather below the middle size. His face is strongly marked ; his eye is quick and piercing, and his whole countenance expressive of energy and determination. His manners are easy, affable, and graceful ; and in all the elegancies and observances of polite society, few men are his superiors.

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GEORGE WYTHE.

Drawn and Engraved, by J. B. Longacre, from a Portrait

in the American Gleaner.

GEORGE WYTHE.

THE representatives of Virginia, in the congress of 1776, have always held a very high rank among the members of that assembly, remarkable as it was for intelligence, patriotism, and prudence. They were seven in number : GEORGE WYTHE, RICHARD HENRY LEE, THOMAS JEFFERSON, BENJAMIN HARRISON, THOMAS NELSON, JR., FRANCIS LIGHT-FOOT LEE, and CARTER BRAXTON.

The following account of Mr. Wythe is much less circumstantial than is required by the dignity of the subject. The most important actions of his public life, are so blended with the general history of the country, and his name so conjoined with the other patriots of the revolution, as to admit very little distinct or particular detail. Of his private and domestic transactions, he has left himself no remembrance, and his friends, by whose aid we hoped to supply the deficiency, appear to have postponed this principal object, to indulge in expressions of affection for his memory, and have furnished us rather a panegyric, than a history of his life. We shall endeavour, however, from the few materials within our reach, to exhibit such a general view of his character as, we hope, will not be unacceptable to our readers.

GEORGE WYTHE was born in the year 1726, in the county of Elizabeth city, on the shores of the Chesapeake, in the then colony of Virginia. He was descended from a respectable family, and inherited from his father, who was a farmer, an estate amply sufficient for all the purposes of ease and independence. His mother was a woman of great strength of mind, and of singular learning; amongst other acquirements, she possessed an accurate knowledge of the Latin language, and under her tuition, he received the rudiments of his education.

The instructions which he received at school, by some unaccountable negligence, were extremely limited; being confined to mere reading and writing the English language, with a very superficial knowledge of arithmetic. But his powerful mind, exerting its own efforts, soon supplied his defect of scholastic education; for, with the sole assistance afforded by his mother, he became one of the most accomplished Latin and Greek scholars of his country; and by his unaided exertions, attained a very honourable proficiency in other branches of learning. To grammar, rhetoric and logic, which he is said to have studied with great success, he added, at an early age, an extensive acquaintance with civil law; a profound knowledge of mathematics, as well as of natural and moral philosophy.

Of these various attainments, so honourable to his industry and genius, much of the merit, no doubt very justly, is ascribed to the affectionate and tender zeal of his mother: it is related that she not only taught him the Latin, but assisted also his acquisition of the Greek, though altogether unacquainted with that language; uniting for this purpose, in his studies, and by inspecting an English version of the

works which he read, enabling herself to aid his progress and to ascertain the accuracy of his translations.

Of this excellent mother he was bereaved during his minority. He lost also, near the same time, his father, of whom there is given a very amiable character, for simplicity and candour of behaviour, parental tenderness, and for prudence in the management of his fortune. Being thus in the possession of money, and exposed, in the luxuriance of youthful passions, to the seductions of pleasure, he suspended during several years, all useful study, and spent his whole time in idle amusements and dissipation. But to whatever levities he may have been betrayed, it is evident from the subsequent events of his life, that his principles of honour remained uncorrupted. When he had attained his thirtieth year, he shook off all these youthful follies, and employed himself in the most indefatigable study; and from this period till the close of his life, protracted to the length of eighty years, lived in the practice of the most rigid and inflexible virtue.

To his friends he often expressed the deepest regret that so many years of time had thus been irretrievably lost to him; and when we reflect on the many splendid monuments of his wisdom, and patriotic devotion to the best interests of his country, which have given him an imperishable name in her records, an instructive lesson may be drawn from his generous repentance. No man ever stood higher in the estimation of his countrymen; and no one better merited this distinction; yet after fifty years had been spent in the exercise of all that is noble in man, the venerable patriot still sighed over the short period of youthful aberration, as so much valuable time unemployed in conferring benefits on his country and on mankind.

He studied the profession of the law under the direction of Mr. John Lewis, an eminent practitioner; and at an early period was called to the bar of the general court, then filled by men of great eminence and ability in their profession. For a short time he continued their equal, but by reason of his extensive learning, correctness of elocution, and his logical style of argument, he quickly arrived at the head of the bar.

As a lawyer, the character of Wythe bears the severest scrutiny. In his hands the dignity of the profession was never prostrated to the support of an unjust cause: in this he was so scrupulous, that where doubts were entertained of the truth of his clients' statements, he even required the solemnity of an oath previous to his defence; and if deception was in any manner practised upon him, the fee was returned, and the cause abandoned. Such disinterestedness procured him universal esteem; and as he was no less distinguished by correctness and purity of conduct in his profession, than by his great learning, and his industry and fidelity to those who employed him, promotion succeeded confidence, and on the organization of the new government, he was invested with the most considerable judicial rank which his country could bestow upon him. As chancellor of Virginia, he continued to dispense the most exact justice until the day of his death.

Early in life he was elected to represent his native county in the house of burgesses; of which he continued a member until the dawn of the revolution. His cotemporaries in the house, were men of the highest standing in Virginia for rank and talent; and in the memorable year of 1764, when the resolutions of the British parliament preparatory to the passage of the stamp act, were communicated to the house of

burgesses, he found himself called upon to act with such worthies as Robert C. Nicholas, Edmond Pendleton, Richard Bland, Peyton Randolph, Richard Henry Lee and Benjamin Harrison. And his holding a prominent station amongst these most celebrated names of our country, is no equivocal evidence of his abilities and merits.

On the 14th of November 1764, he was appointed a member of a committee of the house of burgesses, to prepare and report a petition to the king ; a memorial to the house of lords, and a remonstrance to the house of commons, on the subject of the proposed stamp act. The latter paper was drawn up by Wythe, and following his own principles, his language was that of boldness and truth ; going far beyond the timid hesitations of his colleagues, who viewed it as bordering on treason, consequently his draft was subjected to many material modifications. These documents were reported on the 18th of December, and after much warm debate and considerable amendments tending to soften the asperity of complaint, received the concurrence of council.

From the general tenor of these papers, it is obvious that revolutionary opposition to the regal government, was not then intended. For, although the rights of the colony, so far as they respected exemption from taxation, except by her own representatives, are firmly set forth and insisted on ; yet the language is supplicatory, and the miseries about to be inflicted on an impoverished community by the excessive weight of the projected law, are feelingly anticipated. Remonstrance alone was intended, and the colonies looked with anxiety to the parent country for favourable replies to most dutiful petitions ; but remonstrance was ineffectual, and in January 1765, the stamp act was passed, to have operation

from the first of November following. The promulgation of this law, soon diffused a spirit of discontent and opposition through America, and brought the abilities of her patriots and heroes into more conspicuous notice.

In Virginia the house of burgesses had received an extraordinary acquisition in the person of one of its young members, the celebrated Patrick Henry ; who, from comparative obscurity, was ultimately thrice raised to the highest dignity of the commonwealth, by the unanimous voice of his countrymen. Henry was one of the most fascinating orators of modern times : his patriotism, like that of most of his associates in public life, was of the purest kind ; and in consequence of his great exertions in the house of burgesses ; by the marked intrepidity of his conduct ; by the fire of his matchless eloquence, the American revolution presented its first determined front, in the boldest opposition to the hateful law.

A few days previous to the close of the session, in May, 1765, the following resolutions were offered to the consideration of the house by Mr Henry.

“ Resolved—That the first adventurers and settlers of this, his majesty’s colony and dominion, brought with them, and transmitted to their posterity, and all other his majesty’s subjects, since inhabiting in this, his majesty’s said colony, all the privileges, franchises, and immunities, that have at any time been held, enjoyed and possessed, by the people of Great Britain.

“ That by two royal charters granted by king James the first, the colonists aforesaid are declared entitled to all the privileges and immunities of denizens and natural born subjects, to all intents and purposes, as if they had been abiding and born within the realm of England.

“That the taxation of the people by themselves, or by persons chosen by themselves to represent them, who can only know what taxes the people are able to bear, and the easiest mode of raising them, is the distinguishing characteristic of British freedom, and without which the ancient constitution cannot subsist.

“That his majesty’s liege people of this most ancient colony, have, uninterruptedly, enjoyed the right of being thus governed by their own assembly in the article of their taxes and internal police; and that the same hath never been forfeited, or any other way given up, but hath been constantly recognized by the king and people of Great Britain.

“Resolved therefore, that the general assembly of this colony, have the sole right and power to lay taxes and impositions upon the inhabitants of this colony: and that any attempt to vest such power in any person or persons whatsoever, other than the general assembly aforesaid, has a manifest tendency to destroy British, as well as American freedom.”

These resolutions created an extraordinary alarm in the house, and the most violent debates ensued. Not only were they opposed by the advocates of the measures of the royal government, and by the aristocracy of the state, but even some of the warmest friends of American independence, endeavoured to prevent their adoption. Among the latter we find, Nicholas, Pendleton, Randolph, Bland, and Wythe; who had long been the habitual leaders of the house. Their opposition was, however, not founded on any difference of principle, but because the petition, memorial and remonstrance of the preceding session, had already expressed the same sentiments, and made the same assertions of right; and answers to those documents were yet to be expected. Notwithstanding the daring language of the resolutions, the

opposition of the ministerial party in the house, and the dread of the best friends of our liberties, of plunging the colony unprepared, feeble, and without defence, into hostility with Great Britain, the bold and sublime eloquence of Henry achieved a victory. The resolutions were all adopted after some immaterial alterations in each of them; but the fifth, and strongest, was passed by a majority of a single vote. Henry did not attend the sitting of the following day, and then, the alarm of a majority of burgesses, caused them by a timid vote to expunge the fifth resolution from the journals.

The repeal of the stamp act in 1766, in a great degree revived the affection of the colonists for the mother country; but the subsequent passage of the statute, commonly termed the glass, paper and tea act; the statute restricting the powers of the New York legislature; and the statute erecting courts of vice admiralty on new models, soon afterwards excited anew their apprehensions, and inflamed their discontents; and during the session of 1768, Wythe was a member of the house of burgesses, in which he held a prominent station, when the famous resolutions were adopted, by which Virginia asserted in determined language, her exclusive right of taxation, in all cases whatsoever; complained of the violation of the British constitution, by recent acts of parliament; and firmly remonstrated against the oppression of holding trials in England, on persons, for offences committed in the colonies.

These resolutions, breathing the full spirit of patriotism, were hurried through the house without regard to the established form of parliamentary proceedings, lest the assembly should be dissolved by the governor, on the first intimation which he might receive of their proposed acts. In fact, lord Bottetourt heard of the resolutions late in the even-

ing; in vain endeavoured to procure a copy of them from the clerk, and on the next day dissolved the house of burgesses; but not until the records were entered on the journals: the members having very early in the morning convened for that purpose, in correct anticipation of their immediate dispersion.

The dissolution of the house, did not produce any effect favourable to the royal cause. The same members, without any exception were returned, and the spirit of resistance increased in strength. Wythe, as a member of the house, was bold and determined in the position he had taken. On the one hand, the liberties of his country were threatened; and on the other, his character, nay, his life itself was placed in danger. But no human consideration was equivalent to his love of liberty and fidelity to his country. He stood on the solid ground, that the only link of political union between the colonies and Great Britain, was the identity of the executive: that the parent country and its parliament, had no more authority over the colonies, than the colonies over them: and that the colonies were co-ordinate nations with Great Britain and Hanover.

Thomas Jefferson had been the pupil of Wythe, and under his auspices, was introduced to the bar. The sentiments of the friend and counsellor, which were instilled by instruction and example, were exhibited to the world in the "Summary View of the rights of British America:" and now in the same venerable public body, the preceptor and pupil stood forth, as vindicators of the rights and privileges of their injured countrymen, and as undeviating advocates of that system of government, which has since been so happily established.

From this time until 1775, Wythe continued his unabated

exertions in favour of independence. On the first rising of the colonists, he joined a corps of volunteers, and evinced his promptness to support the cause which he had advocated in the senate, by a resort to arms in the field. But his country, at this important period, required the united talents of her ablest statesmen ; and in August, 1775, he was appointed one of the delegates from his native state, to that congress, which, in the succeeding year, declared the independence of America.

In consequence of this great change in the form of government, and in order to strengthen and confirm the principles of the revolution, the house of assembly of Virginia, by a resolution of the fifth of November, 1776, appointed Thomas Jefferson, Edmond Pendleton, George Wythe, George Mason, and Thomas Ludwell Lee, a committee to revise the laws of the state, as well of British as of colonial enactment, and to prepare bills for re-enacting them, with such alterations as the change in the form and principles of the government, and other circumstances required. The two last named gentlemen did not act with the committee, owing to the death of one, and the resignation of the other ; but so industrious were Jefferson, Pendleton, and Wythe, in this great work of legislation, that on the eighteenth of June, 1779, one hundred and twenty-six bills were prepared, and reported to the general assembly.

The common law of England is preserved as the basis of the revised code. To use the language of one of the committee, the most remarkable alterations proposed, were,

“ To change the rules of descent, so as that the lands of any person, dying intestate, shall be divisible equally among all his children, or other representatives, in equal degree.

“To make slaves distributable among the next of-kin, as other moveables.

“To have all public expenses, whether of the general treasury, or of a parish or county, (as for the maintenance of the poor, building bridges, court houses, &c.) supplied by assessments on the citizens in proportion to their property.

“To hire undertakers, for keeping the public roads in repair, and indemnify individuals through whose lands new roads shall be opened.

“To define with precision, the rules whereby aliens should become citizens, and citizens make themselves aliens.

“To establish religious freedom on the broadest bottom.

“To emancipate all slaves born after passing the act.

“To proportion crimes and punishments according to a scale submitted.

“To abolish pardon and privilege of clergy, but if the verdict be against the defendant, the court in their discretion may allow a new trial.

“No attainder to cause a corruption of blood or forfeiture of dower.

“Slaves guilty of offences punishable in others by labour, to be transported to Africa, or elsewhere, as the circumstances of the time admit, there to be continued in slavery.

“A rigorous regimen proposed for those condemned to labour.

“To diffuse knowledge more generally through the mass of the people by means of public schools.

“To establish a public library and gallery, by laying out a certain sum annually in books, paintings and statues.”

Of this extensive work of legislation, Wythe executed the revision of those laws which had been enacted during the pe-

riod commencing with the revolution in England, and ending with the establishment of the new government here, except the acts for regulating descents ; for religious freedom ; and for porportioning crimes and punishments, which were part of the labours of Mr. Jefferson.

In 1777, the distinguished learning of Wythe in parliamentary law and proceedings, caused him to be chosen speaker of the house of delegates ; towards the close of the same year, he was appointed one of the three judges of the high court of chancery of Virginia : and on the subsequent change in the organization of the court of equity, was constituted sole chancellor ; which high station he filled with the strictest integrity for more than twenty years. Whilst in this office he published a collection of Chancery Reports, which, by legal characters, are held in high estimation.

Previous to, and during the revolution, debts had been contracted between British and American merchants, and other individuals. The recovery of those debts was made the subject of the sixth article of Jay's treaty with Great Britain ; but popular feeling was strong against legal decrees in favour of British claimants. Chancellor Wythe was the first judge who decided that the claims were recoverable, and such decision was given in cases where the state of Virginia was a party. The firmness of the judge, in resisting the torrent of popular prejudice, is not the less to be commended because mere duty was performed ; a new and important question had arisen—the complainant was an alien, a late enemy ; the respondent was a commonwealth : the judge an officer of the respondent's creating ; the current of opinion set against the legality of the claim, and a nation awaited the decision of the court of equity.

On reviewing the judicial character of Wythe, we find it deeply impressed with the most scrupulous impartiality—rigid justice; unremitting assiduity; and the most pure disinterestedness. It may appear a strange encomium to bestow upon a judge, that his interest did not in the least degree lead him to swerve from his duty: yet when such men have lived as Verulam,

“The greatest, wisest, meanest of mankind,”

and Macclesfield, whose corruption was systematically exercised; since a chief justice Thorpe could traffic with a suitor's rights; since an Earl of Middlesex could delay justice, in a matter referred to his decision by his king; it is not incorrect to place chancellor Wythe in dignified opposition: not to praise indeed that conduct which resulted from adherence to duty, but to hold him up to the world as an example of republican integrity. Bacon died despised and unpitied; Parker lost his estate, and languished in imprisonment; Thorpe was sentenced to death; and the most exemplary punishment was inflicted by James I. on the commissioner who was tardy in executing his trust. George Wythe, living, was the fountain of justice—dead, his spotless integrity has erected him a durable monument in the memory of his countrymen.

Wythe had suffered much during the revolution in his pecuniary circumstances. Not only did he devote his time and property to the public service, but the greater part of his slaves which he inherited from his father, was carried over to the enemy by the dishonest manager of his Hampton estate. His immediate relatives, however, benefitted during his life by his generosity. One half of his estate in Eliza-

both City he settled on his nephew, and of the remaining part, being sold, the payment of the purchase money was protracted during many years. Thus his resources were limited, and although his salary as chancellor did not exceed three hundred pounds per annum, by economy and judicious management, he discharged his debts, preserved his independence, and was enabled, besides, to perform many conspicuous and estimable actions of private charity. The professorship of law, in the college of William and Mary, for some time gave him an additional income ; but the arduous duties of chancellor induced him, on his removal to the city of Richmond, to vacate the chair.

In December, 1786, he was selected by the legislature, together with Washington, Henry, Randolph, Blair, Madison and Mason, as delegates to meet the proposed convention, to revise the federal constitution. His country never losing sight of his distinguished patriotism and abilities, when occasion required his services, we again find him a conspicuous member of the great public body assembled at Richmond, in 1787, to take into view the adoption or rejection of the lately framed constitution of the United States. Subsequently, he was twice a member of the presidential electoral college of Virginia, and presided with great distinction and applause over its meetings.

Amidst all his public services, throughout all his private life, the devotion of Wythe to his country, his scrupulous discharge of the duties of his office, and his universal benevolence of disposition, were eminently apparent. Some of the greatest luminaries at the bar, and in the senate, that Virginia has produced, were instructed in science and led up to the steep of Fame by George Wythe. In the list of his pupils we may enumerate two presidents of the United States,

a chief justice, and others, who by their abilities and virtues are entitled to the most distinguished honours of their country. Not confining his efforts to those situations in which duty impelled him to exercise the great faculties of his mind for the public advantage, his active philanthropy induced him to institute a private school, in which his great pleasure was to impart instruction to such young persons as wished for improvement: demanding no compensation, his reward was found in virtuously educating republican citizens, who would transmit to posterity the pure principles of the venerable sage and statesman.

In emancipating his slaves, Wythe did not cast them on the world friendless and needy ; he gave them sufficient to free them from want, and his own example had taught them industrious habits. He had also carried his benevolent disposition to the extent of imparting instruction to a negro boy, whom he had taught the Latin and Greek languages, and who was considerably advanced in science, but unfortunately died a few days before his benefactor.

An unassuming modesty, a simplicity of manners, and a general equanimity of temper, were his distinguishing personal characteristics throughout life. To the possession of these qualities, may be referred the cause of his religious opinions being unknown. Immersed in public business, his time devoted to his country, and the energies of his mind directed to her best interests, Wythe sought not in private conversation to disclose his own belief, or to elicit that of others. It was his daily endeavour to live a christian, and he effectually succeeded. William Mumford, one of his most intimate friends, who pronounced his funeral eulogium, and who feelingly describes himself as an "unfortunate orphan," who found in Wythe "a second father, instructor

and friend," rescues the character of his "dear and noble benefactor," from the charge of infidelity. "He conveyed to me," says he, "a year or two before his death, his full conviction of the truth of the christian religion; and on his death-bed, often prayed to Jesus Christ his Saviour, for relief."

His long life of public usefulness was closed, in exhibiting an additional proof of fervent devotion to the interests of the community. Tortured on the bed of death, with agonies produced by poison taken in some portion of his aliment, he was immersed in the study of cases, yet pending in his court; regretting as long as his senses continued, the delay and consequent expense which would be incurred by the parties, should his illness prove fatal. He died in the midst of this benevolent anxiety, on the 8th of June, 1806, in the eighty-first year of his age.

In his death, Virginia mourned one of her most favoured sons: but the cause of his sudden loss spread an additional gloom over the darkness of her grief. No doubt remained of his death being produced by violence, and suspicion fell upon one, who if guilty, would have added the blackest ingratitude to the most detestable of crimes.

By his last will he bequeaths a great part of his property in trust, to support his three freed negroes, a woman, a man and a boy, during their lives; after several legacies, particularly one, "of his books and philosophical apparatus, to his valued friend Thomas Jefferson, president of the United States," the remainder of his estate is devised to George Wythe Sweney, the grandson of his sister.

During the life time of Wythe, his freedman died, and by a codicil to the will, the legacy to the freedboy is increased, with a provision, that if he should die before his full age, the

bequest to him should enure to the benefit of Sweney, the residuary legatee.

A few days before the death of Wythe, a second codicil is dated; in this instrument the freedboy is mentioned as having "died this morning:"—all the devises to George Wythe Sweney are revoked, and the whole of the chancellor's estate is left to the other grandchildren of his sister, the brothers and sisters of Sweney, to be equally divided between them.

The sudden death of the negro boy; the revocation of the former devises; the suspicions of the community, fatally confirmed by the death of Wythe himself, all tend to the conclusion that poison was introduced amongst the provisions of the household. The residuary legatee of the first will, submitted to a public trial, on the charge of poisoning his uncle and freedboy: an acquittal by a jury has caused a veil to be dropped over the transaction revolting to humanity; and the solemn decision of a criminal court, has shown to the world, that although the lamented Wythe died by poison, yet legal certainty cannot be attached to his murderer.

He had been twice married; his first wife was the daughter of Mr. Lewis, with whom he had studied law; and his second was a lady of the wealthy and respectable family of Taliaferro, residing near Williamsburg. He had one child, which died in infancy, and no issue survived him.

Mr. Jefferson, to whom we are indebted for some of the facts of the preceding narrative, has thus drawn the portrait of the instructor of his youth, the friend of his age, and his compatriot through life.

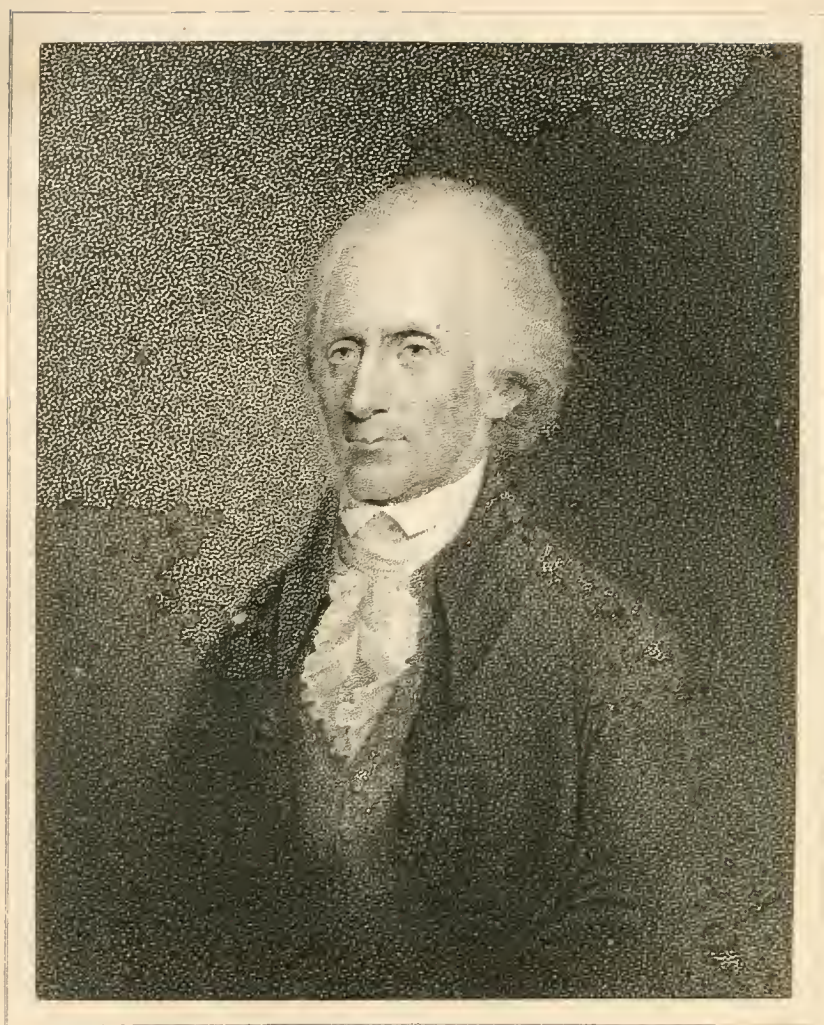
"No man ever left behind him a character more venerated than George Wythe. His virtue was of the purest kind; his integrity inflexible, and his justice exact; of warm patriotism,

and devoted as he was to liberty, and the natural and equal rights of men, he might truly be called the Cato of his country, without the avarice of the Roman; for a more disinterested person never lived. Temperance and regularity in all his habits, gave him general good health, and his unaffected modesty and suavity of manners endeared him to every one. He was of easy elocution, his language chaste, methodical in the arrangement of his matter, learned and logical in the use of it, and of great urbanity in debate. Not quick of apprehension, but with a little time, profound in penetration, and sound in conclusion. In his philosophy he was firm, and neither troubling, nor perhaps trusting any one with his religious creed, he left to the world the conclusion, that that religion must be good which could produce a life of such exemplary virtue.

“His stature was of the middle size, well formed and proportioned, and the features of his face, manly, comely, and engaging. Such was George Wythe, the honour of his own, and model of future times.”

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RICHARD HENRY LEE.

From a drawing by Langacre from an original portrait.

RICHARD HENRY LEE.

To censure a just pride of ancestry would be to lessen the incentives of virtue; and since he who was the idol of a people's worship has declared, even when holding up to scorn the folly of aristocracy, "that the glory of our forefathers is a light to their posterity," it may be permitted to observe, that Richard Henry Lee traces his descent from one of the most ancient and distinguished families in Virginia.

The firmness and policy of his great grandfather, obtained nominally for Virginia, what his own energetic eloquence and active patriotism afterwards contributed effectually to secure to her, the title of an independent dominion. When the arbitrary taxation of the first king Charles of England had lost to him his kingdom and his life, as Virginia had not suffered with the parent state, so she shared not in its joy on this event, and only by treaty as an independent dominion, would she consent to avail herself of the protectorship of Cromwell. Mr. Lee and Sir William Berkley conducted, on the part of the colony, the negotiation which followed her resistance to the armed forces of the republic of England. Before the voice of the people or the strength of a faction had collected the scattered fragments of the throne, the colony, moved by Lee and Berkley, proclaimed the second

Charles, king of England, France, Scotland, Ireland, and Virginia, while yet he wandered an exile in a foreign land; and the quartering of her arms on the ancient escutcheon of his kingdom, testified the gratitude or the vanity of the dissolute Stuart.

The memory of his father's services, or his own capacity and influence, obtained for Richard, second son of Mr. Lee, an honourable and important situation, a seat in the king's council in the colony, which he was able to transmit to his son Thomas, the father of him whose life it is proposed to sketch.

Historians record a few intimations of facts, long antecedent to their existence, which philosophy has been perplexed to explain; some refer them to strange but casual coincidence, some to remarkable foresight, while others almost dare to call them prophecies. To these may be added, as an instance of peculiar sagacity or prophetic anticipation, the conviction in the mind of Mr. Thomas Lee, then president of the king's council, that America would yet take her place among the nations of the earth, and that the capital of the independent sovereignties would be established near the little falls of the Potomac. That this was not a conjecture at random, or mere transient impression, may be inferred from the fact that he took up and settled large tracts of land in that neighbourhood, at the distance of only three miles from the place actually chosen, half a century afterwards, for the seat of the general government. It was far from his hereditary estates, for these lay in that county which has had the honour of furnishing three presidents to the United States; and may with pride and exultation number among her sons a Washington, a Lee, a Jefferson, and a Monroe.

TO RICHARD HENRY LEE, who was born on the twentieth of January, 1732, in Westmoreland county, Virginia, seems to have descended an hereditary care of his native state, for his maternal grandfather and uncle, held with credit to themselves and advantage to their country, seats in the king's council, of which his father was president, and his great grandfather in that line, was governor Ludwell, of North Carolina.

Fashion prompted, or necessity urged, in the infancy of the colony, such as could afford the expense, to send their children to England to be educated. Wakefield, in Yorkshire, then a flourishing school, was selected for Mr. Lee; where the refinements of the town were mingled with the economical habits of the country. The classic pursuits and chaste style of Mr. Lee in after life, may give a favourable opinion of his docility and talent, while they contribute to support the well earned fame of his tutor, as a scholar and a teacher. The histories of the ancient republics inspired him with a love of liberty, taught him the fate of tyrants and elated him with hope, not, however, unmingled with apprehension, for he saw them at times tossed by the storms of faction and again awed to the stillness of despotism. The love of rational liberty, thus excited, was strengthened by the beautiful portraits of her in the ancient authors, while defects in their systems were discovered by the strength of his own reflections, aided by the liberal views of the philosophic Locke. To studies calculated to form the character of a firm patriot, an enlightened statesman and an elegant scholar was his attention devoted, free from the restrictions which professional duties impose.

Ethics, in its most extensive meaning, and the philosophy of history were his favourite pursuits; the manuscript sys-

tems of which, compiled from his reading, or deduced from his own thoughts, are yet in existence to prove the force of his intellect, the closeness of his application, and the depth of his research, by the judicious views and lucid arrangement which these extensive notes of study exhibit. In the retirement of his brother's family, where he had access to a well chosen library, these were composed with persevering industry, between the time of his return from school in his nineteenth year, and that period when the cries of the frontier settlers, under the tomahawk and scalping knife of the Indians, pierced the hearts of the Virginians in the low countries, and the volunteers of Westmoreland invited him to lead them to protect the living and avenge the dead; this was in his twenty-third year.

Henceforth the sketch of Mr. Lee's life ought to be the annals of his country; his actions are recorded in the archives of the nation; yet allusion must too frequently supply, the full detail which the nature of this work excludes, and the development of causes be sought for in histories more diffuse.

France, in the war which preceded the peace of Aix, teaching the dire lesson, which England in our contest for Independence, with rancorous aptitude practised, had roused the savage Indian against the frontier colonists, and exterminating warfare was carried on, long after the ratification of peace by the courts of Versailles and Saint James. The terms of this peace were, to return to the situation which the parties held before the war; but this had never been accurately defined. The merit of having formed the Ohio company is claimed for the father of Richard Henry Lee; it was composed of the most influential men in the colony and rich merchants in London, for the two-fold purpose of commerce

and extension of territory. The French, desirous of connecting their northern and southern colonies, claimed and seized territory which they considered the property of this company. Already had Virginia attempted to expel from her boundaries the invading foe, and to protect her sons from savage warfare, under the command of the father of his country, then a major in her service ; but routed at the Little Meadows, the retreating army was followed by the wives and orphans of the white settlers, and Virginia was trembling to her centre, when general Braddock, with reinforcements from England arrived, and summoned the governors of the colonies to meet him at Alexandria, in Virginia, to devise means for the public safety.

Thither Mr. Lee led the troops of his native county, and tendered his own services with those of the gallant band who had volunteered in the cause of their country, but the blind courage of Braddock could not see that their assistance was necessary, or his insolent contempt of *provincials*, induced the belief that it would be useless ; his death in the first battle was the forfeit of his presumption or his ignorance, while Mr. Lee returned to his home, and to those civil duties which have given him a place in history, and his name to the remotest posterity.

As death approaches, the solicitude of a parent for his children's welfare frequently absorbs that which a rational creature might be supposed to feel for himself, when touching the confines of a new and untried existence ; it is often so intense, that the excitement which it gives to the powers of the intellect has been thought the result of an approximation to the omniscient mind, in more intimate communion. To many in such moments, the integrity, the knowledge and the influence of Mr. Lee, so strongly recommended him, that even

at this early age, he was selected by them for the guardian of the fatherless and protector of the helpless. For such employments, and for the cultivation of his mind, his independent fortune afforded him sufficient leisure, till in 1757, the voice of the people attracted the attention of the government, and he was appointed justice of the peace for the county; but his election to the house of burgesses, which happened in the same year, was derived from a more legitimate source of power. The petition of the other magistrates to the governor, praying, that the commission of Richard Henry Lee might be so dated, as to permit his election to the office of president of the court, before the time which his appointment legally allowed, proves, if not his fitness for office, their conviction that he had discharged his duty in an efficient and satisfactory manner. Not to mention, that the county courts of Virginia were then without limit to their jurisdiction, both in law and equity, might induce some to undervalue this appointment, but to develop their powers would be to digress from the subject of this memoir.

Want of confidence, induced by philosophic research and solitary study, or dissatisfaction, from the manner in which business was done in the house of burgesses, retarded Mr. Lee's advancement as an orator or leader of a party, but not his progress in knowledge or his attention to the interests of his constituents. With the resources and revenues of the colony, and the state of the treasury, he became thoroughly acquainted in the first session after his election, and the result of his investigation proved to him, that in the council his services would be more productive of advantage to his country. At present, he who would obtain an office ought to show himself a good citizen, and able to discharge the duties of it, and condescend to no other solicitation; at that

time patrons bestowed it, and it was requisite even for Richard Henry Lee to engage the interest of his friends in London in his behalf; but the only motive which he urges for this purpose is, "his laudable ambition to do his country service." The motive was weak, or the influence of his friends ineffectual, and he was left in the house of burgesses till conflict with his colleagues removed his natural diffidence, till the strength of his mind was excited by the important duties of his station, and he acquired for himself the well merited title of the Cicero of America.

The first debate in which he took an active part, was on the limitation of slavery; a subject which has since threatened to shake the union to its centre. The evil of slavery was entailed on us by our forefathers; it is the only stream of bitterness, from the fountain of kingly power, which has not been made sweet, by throwing into it the tree which the Lord God has shown to us, the tree of liberty. The classic purity, conciseness and strength of argument which this speech exhibits, may justify, perhaps, its introduction here, as the first, and one of the few, which survive him who is said to have spoken a nation into existence.

The question before the house was, "to lay so heavy a duty on the importation of slaves as effectually to stop that disgraceful traffic;" and Mr. Lee thus addressed the speaker in favour of the imposition.

"As the consequences, sir, of the determination which we must make in the subject of this day's debate, will greatly affect posterity as well as ourselves, it surely merits our most serious attention. If this be bestowed, it will appear both from reason and experience, that the importation of slaves into this colony, has been, and will be attended with effects dangerous to our political and moral interest. When it is

observed that some of our neighbouring colonies, though much later than ourselves in point of settlement, are now far before us in improvement, to what sir, can we attribute this strange but unhappy truth? The reason seems to be this, that with their whites, they import arts and agriculture, while we with our blacks, exclude both. Nature has not particularly favoured them with superior fertility of soil, nor do they enjoy more of the sun's cheering influence, yet greatly have they outstript us.

“Were not this sufficient, sir, let us reflect on our dangerous vicinity to a powerful neighbour; and that slaves, from the nature of their situation, can never feel an interest in our cause, because they see us enjoying every privilege and luxury, and find security established, not for them, but for others; and because they observe their masters in possession of liberty which is denied to them, they and their posterity being subject for ever to the most abject and mortifying slavery. Such people must be natural enemies, and consequently their increase dangerous to the society in which they live.

“This reasoning we find verified in the Grecian and Roman histories, where some of the greatest convulsions recorded, were occasioned by the insurrections of their slaves; insomuch, says a Roman historian, that Sicily was more cruelly laid waste by the war with the slaves, than by that with the Carthaginians. This slavish policy still continuing in Rome, at length increased the number of slaves so much, that the Romans were obliged to make for their government laws so severe, that the bare recital of them is shocking to human nature.

“Nor, sir, are these the only reasons to be urged against the importation. In my opinion, not the cruelties practised

in the conquest of Spanish America, not the savage barbarities of a Saracen, can be more big with atrocity than our cruel trade to Africa. There we encourage those poor ignorant people to wage eternal war against each other; not nation against nation, but father against son, children against parents, and brothers against brothers; whereby parental and filial affection is terribly violated; that by war, stealth or surprize, we christians may be furnished with our fellow creatures, who are no longer to be considered as created in the image of God, as well as ourselves, and equally entitled to liberty and freedom, by the great law of nature, but they are to be deprived, for ever deprived, of all the comforts of life, and to be made the most miserable of all the human race. I have seen it observed by a great writer, that christianity, by introducing into Europe the truest principles of humanity, universal benevolence, and brotherly love, had happily abolished civil slavery. Let us, who profess the same religion, practise its precepts, and by agreeing to this duty, convince the world that we know and practise our true interests, and that we

What effect this measure might have had on the prosperity of Virginia, it is impossible to conjecture; it is probable, however, that the pleasure of having done his duty, was the only result of the speech to the orator who delivered it.

The love of power is so exclusive in its nature, that it perverts the judgment, and would limit the competency to share in government to those with whom timidity makes it participate. Presenting in a mass the evils which reason has traced or declamation imputed to republican principles, it brands as visionary, or condemns as false, the maxim "that the people are the legitimate source of power." In the house of burgesses of Virginia, there was a party which seemed to

be actuated by this exclusive principle, and willing to believe that the capacity of a people to manage their own concerns was contradicted by history. These were they, who covering their ignorance with the veil of pride, and their vices with the trappings of wealth, affected to look down with contempt upon, what they were pleased to call, the lower orders of the community. They voted with the administration on every subject, and imitated in all that was worthless, hereditary nobility. Lavish, dissolute, and haughty, their income did not always meet their expenses, and their pride was not so unbending, as to resist the pressure of their other vices; hence they came under pecuniary obligations to Mr. Robinson, the then treasurer of the colony, and leader of the aristocratic party in the house of burgesses.

When his private funds failed, facility of temper, weakness of judgment, or depravity of intention, prompted him to lend to his friends, the redeemed treasury bills, which honesty of purpose in the duties of his office, required him to destroy, least at any time, the colony by them might sustain some loss.

The odium of malignant motive, too frequently rests on a prosecutor, who fails to prove the delinquency of one high in official station and in the estimation of the public. There was a great risk, therefore, in the attempt to bring to light the secret and corrupt practises of the treasurer. An inquiry into his conduct was likely to be vigorously resisted by the faction, whose consciences could anticipate the result, and it was entered on with reluctance by all to whom his suavity of manners, his frankness and liberality, had much endeared him. With a conviction of the necessity, men shrunk nevertheless from the responsibility, of calling for and conducting an investigation into the state of the treasury. But Richard Henry Lee, regardless of all selfish

considerations, fearlessly undertook the task, nor desisted, till he had finished the work which imperious public duty required at his hands. With candour in his countenance, and persuasion on his tongue, his eloquence brought conviction to all, even to those whose sophistry attempted to obscure the truth, while, by threatening looks, they impotently endeavoured to check its development. To the colony, the result of the inquiry was security from heavy losses and pecuniary embarrassment, while Mr. Lee gained for himself the gratitude of a people, a high place amid the republican party, and the approbation of his own conscience.

To mark the course of events, which rendered it necessary to sever the bonds that had connected us with England, would be to presume ignorance in the reader of what has been told in other parts of this work. A far more grateful task is ours—to show the successful opposition of Mr. Lee to the arbitrary measures of the British ministry, and his able support of all that was, by the laws of nature and of nature's God, the right of an American.

The termination of the war with France was glorious to the arms of England, but her treasury was exhausted, her resources anticipated, and her people restless under their burdens. To remedy these evils, and at the same time maintain a large standing army, the mind of Charles Townshend conceived the design of taxing the colonies; and in a brilliant speech on the subject, he dazzled the eyes of the British parliament, by playing before them the image of a revenue to be raised in this country. Then was the theory laid down in Mr. Grenville's act, that it was just and necessary to raise a revenue in America, and the attempt to carry this system into practice by the stamp duty bill, sounded an alarm that awoke all the colonies. But to Mr. Lee the con-

sequences were evident, from the first glimmering of that new light system of taxation, which was to be independent of the consent of those from whom the taxes were to be levied. Then every feeling of his mind merged in the love of his country, and this he exhibited in his domestic arrangements, in his private conversation, in his familiar correspondence, and in his public conduct. Arguments from reason, justice, and the spirit of the British constitution, were sufficient to overturn the assumption in the declaratory act, and these Mr. Lee furnished to his friends in London and in the colonies, one month after the passage of that odious measure.

Would any rational being risk his life, and renounce his liberty, to obtain the unenviable state of an oppressed slave? Yet such would be the purchase and such the price paid by the first settlers in America, if the principle of Mr. Grenville's act has a foundation in reason. Was it just to repay those who, by many sacrifices and great dangers, had enlarged the territory and increased the wealth of Britain, by rendering their property insecure, putting it all or in part into the hands of men, over whom they had no control and by depriving them of their most valuable birth-right? The right to be governed by laws made by their representatives, and the consequent illegality of taxation without consent, are essential principles of the British constitution; is it not then matter of wonder that such a declaratory act could be made by men professing to maintain such principles? The conclusion of Mr. Lee's letter, written on the thirty-first of May, 1764, contains a sentence which may serve to show his thorough acquaintance with the spirit of his fellow countrymen, and to fix the point to which all his patriotic exertions were to tend. "Possibly this step (speaking of the declara-

tory act) though intended to oppress and keep us low, in order to secure our dependence, may be subversive of this end. Poverty and oppression, among those whose minds are filled with ideas of British liberty, may introduce a virtuous industry, with a train of generous and manly sentiments, which, when in future they become supported by numbers, may produce a fatal resentment of parental care, converted into tyrannical usurpation. I hope you will pardon so much on this subject; my mind has been warmed and I hardly know when to stop."

Even absolute princes seldom hazard the assertion of a bare abstract principle, offensive to their slaves; hence it would have been blindness not to perceive, that the declaratory act of the British parliament would only present an alternative of evils, humiliation or resistance. But the address to the king, the memorial, and the remonstrance to both houses of parliament, proclaimed to the British ministry the feelings of the colony of Virginia. The whole subject was brought before the house of burgesses by Richard Henry Lee, and he was on the committee to prepare these documents; for the two first, his country is indebted to his pen, as the manuscripts in possession of his family prove.

Early in the session of 1765, the celebrated Patrick Henry, whom we have noticed more fully in a preceding biography, proposed the celebrated resolutions against the stamp act, which are there inserted. At the time, Mr. Lee had not reached the seat of government; he came, however, soon enough to support them in the discussion; and it was by their united exertions that these resolutions were carried, in opposition to the timidity of some, and the resistance of others, whom corruption or perverted judgment blinded to their country's welfare.

The boldness and enterprising spirit of these great men were equal, their application to business and indefatigable industry were not, as they too often are, the handmaids of ambition, or the result of their lust of power : with equal lustre, these twin brothers of liberty shone amid the darkness of danger, and the horrors of war, cheering and guiding their country through seas of difficulty and peril, to freedom and to glory. Men knew not which most to admire in the debate, the overwhelming might of the one, or the resistless persuasion of the other ; nor would it be possible now to fix with precision the amount of the debt of gratitude, which is due to them, not only from their native state, but from the whole union.

In the arduous task which Mr. Lee proposed to himself, of breaking down that wall of proud and perfect separation, which in Virginia had hitherto divided the patricians from the people, and which seemed as lofty and as strong, as that which in the Roman republic prevented these classes from intermarrying, and the latter from aspiring to situations for which in all things, save birth, they might be qualified, means as diversified as the species of opposition were necessary. None more effectual offered, than to unite his fellow citizens in one association, bound together by their hatred of the chain which tyrannical power had cast around them. This he performed ; and men of all parties in Westmoreland county united to oppose the stamp act, binding themselves to each other, to God, and their country, to resist that abject and detestable slavery, to reduce them into which attempts foreign and domestic were daily made. To shew what patriotism will dare, when opposed to arbitrary power, the third article of this, the first formed association in the colony, is recorded. “As the stamp act does absolutely direct the pro-

perty of the people to be taken from them, without their consent expressed by their representatives, and as in many cases it deprives the British American subject of his right to be tried by jury, we do determine, at every hazard, and paying no regard to death, to exert every faculty to prevent the execution of the stamp act, in every instance, within the colony."

But their opposition was not confined to words, for, soon after the formation of this society, Mr. Lee, having heard that one of his fellow citizens was sufficiently abandoned in principle to accept an office under such an act, so offensive to the people, so destructive of their rights, summoned the association, and leading them to the residence of the collector, compelled him to give up the stamped paper in his possession, to destroy his commission, and to swear that thenceforth he would not be instrumental in the distribution of stamps.

Such active and persevering resistance was thus excited against the arbitrary measure, that it was believed there was then but one person who would dare to show his attachment to the British government by the use of stamped paper. He was a man of wealth and influence. The temptation to violate the rules of the association of resistance was strong, as the power was ready to support and reward those who would dare to transgress, and one instance of unpunished violation would be of dangerous tendency. To prevent that, which if done, could not have been remedied, Mr. Lee (under the signature of a Virginia planter) addressed the good people of the colony, holding up to the guilty the terrors of a people's vengeance, and pointing out to the citizens in language, clear and simple as truth, the danger of permitting such an example. This address shows the great power which the orator possessed of diversifying his style, and of adapting it to the subject and the occasion.

The violence, (although some may think it both indiscreet and intemperate,) used to the opposers of the people's will, can be justified by the maxim of policy, but was not the love of glory the motive, or power the reward sought by the active men who were in those days first in the path of liberty? While we approve the measures of Mr. Lee, and acknowledge that he had a mind to conceive and patience to execute the most arduous designs, may it not be thought that the rottenness of blasted ambition, mingling with, may have tainted purer motives, since it is known, that he was an unsuccessful candidate for the situation of collector of stamp duties? Such a charge was brought by those, who sought to weaken the efficacy by impugning the motives of his opposition to tyranny, and he found it necessary to state in the Virginia Gazette, that an offer had been made to him by a friend, which he promised to accept, but a few days deliberation convinced him of the consequences of the measure to his country, and, therefore, he forwarded no duplicate of his letter, but pursued such a course before the appointment was made, as effectually prevented his nomination. Should any, from a pretended zeal for justice, or from a false estimate of the devotion to the cause of liberty, which supported and animated those who achieved the independence of our country, think this defence inadequate and say, "who can be found guilty, if it be sufficient merely to deny?" to him, in the words of a Roman emperor, we reply, who can be innocent if it be sufficient to affirm? and it will be scarce necessary to add, that the affirmation rests on the faith of the bitterest enemies of his country.

The resistance of the colonies made it impossible to execute the stamp act; the failure of the revenue expected from it, exposed even to the English, its illegality, so that when the

personal feelings of the king removed its supporters from his councils, the new administration lessened the difficulties of their station, without impairing their popularity by a repeal of the odious measure. Mr. Lee joined in the general joy of his countrymen, but was not satisfied, for the repeal was accompanied with a clause, declaring the power of parliament to bind the colonies.

The domestic politics of Virginia, at this season, were not without difficulty. The dangerous influence of the treasurer in the house of burgesses, did not rise altogether from the causes before stated, his situation of speaker contributed to them; the consequences of the union of these two offices in the same person were apparent to all, but to effect their separation, the combined energies of the patriotic party were necessary; directed by Mr. Lee, and supported by Mr. Henry. The motion of Mr. Lee "that they be now separated and filled by different persons," was advocated by Patrick Henry, and vigorously opposed by the royal party, but it finally brought power to the patriots and security to the colony.

The shock in the political horizon, raised by the assertion that the parliament was omnipotent to bind, although lost to the many, in the brightness of the prospect which the repeal illumined, escaped not the watchful eye of Mr. Lee; to him it foreboded to his country a coming storm.

The estimation of lords Chatham and Camden, among the English nation, had aided the colonies in their late opposition, for they were friends to American liberty or opposers of the power of the ministry, and gratitude prompted or policy made it necessary to secure, for future emergencies, the support of advocates so powerful. Hence the proposal of Mr. Lee to request the latter to permit his portrait to be taken, "that it might remain to posterity a memorial of their veneration,"

was joyfully accepted by the inhabitants of Westmoreland; a subscription was made to defray the expense, and Mr. Lee appointed to procure it for them. But the gentlemen of Westmoreland were constrained to submit to the humiliating feeling of a mark of their respect, spurned as vile, or neglected as worthless. At first lord Camden promised, and made several appointments with Mr. West, to sit for his portrait, afterwards he seemed to forget his promise and not to walk in the path which fair fame and honest independence would mark out to him.

Mr. Lee was early and correctly informed of the proceedings of the British parliament, and promptly acted on his information. The disobedience of New York to the law for the "quartering of the military," and the consequent suspension of its legislative assembly, hastened the crisis, and convinced all men of intelligence, that the union of the colonies offered the only chance of safety. To this outrage on the rights of freemen, temperate remonstrance was first opposed, and the address to the king was moved in the house of burgesses, and written by Mr. Lee, stating the grievances under which the colonies laboured in consequence of the laws for imposing duties on tea, for the quartering of the soldiery, and praying redress.

Massachusetts and Virginia, knowing the powerful influence of corresponding societies, contend each for the honour of having first established them, "to watch the conduct of the British parliament, to spread more widely correct information on topics connected with the interests of the colonies, and to form a closer union of the men of influence in each." Allusion has already been made to this circumstance in the biography of Samuel Adams, a delegate from the former colony; and it may be repeated as an opinion in which

impartial men seem to agree, that the measure had deeply occupied the thoughts of both these distinguished politicians, and that each introduced it to the legislature of his own province, without concert, about the same period. There can be no doubt that several years before this circumstance, the plan had been formed and matured by Mr. Lee; this is evident from a letter of his to John Dickenson of Pennsylvania, and from the verbal testimony of colonel Gadsden of South Carolina, who stated that in the year 1768, he had been invited by Mr. Lee to become a member of a corresponding society, "the object of which was, to obtain a mutual pledge from the members to write for the public journals or papers of their respective colonies, and to converse with, and inform the people on the subject of their rights and wrongs, and upon all seasonable occasions, to impress upon their minds the necessity of a struggle with Great Britain for the ultimate establishment of Independence." His letter to Mr. Dickenson bears date July twenty-fifth, 1768, and contains the following sentence: "To prevent the success of this unjust system, an union of counsel and action among all the colonies is undoubtedly necessary. The politician of Italy delivered the result of reason and experience, when he proposed the way to contest by division. How to effect this union in the wisest and firmest manner, perhaps time and much reflection only can show. But well to understand each other, and timely to be informed of what passes both here and in Great Britain, it would seem that not only select committees should be appointed by all the colonies, but that a private correspondence should be conducted between the lovers of liberty in every province."

The event alone and the glorious termination of the contest, could not shield from the charge of rashness or wild ambition, Mr. Lee's scheme of severing from the parent

stem the flourishing scion, before a certainty that it had yet spread its roots sufficiently wide to imbibe its own nourishment; for it is known that the issue is often directed by a power beyond our control, be it fortune, or chance, or providence, which consults better for us than we for ourselves. But the letters of his brother, Dr. Arthur Lee, convinced him of the necessity there was for making a choice, and his countrymen will approve the conduct of him who chose the probability of achieving liberty at the risk of life, before the inevitable certainty of abject and degrading slavery.

A love of science divided the heart of Dr. Lee with the love of his country. The faculty of the University of Edinburgh bore testimony to his acquirements, by awarding him the first prize in botany, and his contest at the bar, when he made the law his profession, against Dunning and Glynn, sheds a lustre even on these distinguished advocates. The friend and favoured correspondent of Sir William Jones, cannot be supposed deficient in taste, or ignorant of literature; and the attachment of lords Shelburne and Cardross, of Barré and Wilkes, was founded on esteem and respect. His appointment to its agency in London, by the colony of Massachusetts, before the revolution, his mission to the courts of France, Spain, and Prussia, are honourable testimonies from his country to his patriotism and talent. His vigilance was only equalled by his devotion to the cause of freedom, and his intimacy with the leading men of all parties in London, where he then resided, afforded facilities for observation. To his brother in 1768, he writes "that a change of men in the British cabinet can produce no change of measures on the American question. So circumstanced here, the cause of American liberty will be desperate indeed, if it find not a firm support in the virtuous and determined resolution of the peo-

ple of America. This is our last, our surest hope, this our trust and refuge." Another letter, written about the same time, concludes thus, "once more let me remind you that no confidence is to be reposed in the justice or mercy of Britain, and that American liberty must be entirely of American fabric."

On such assurances from one so competent to form a correct opinion, aided by his own deductions from the course of events, the fixed resolution of Mr. Lee to propose the independence of his country might have been characterized as virtuous and prudent, even although his measures of policy or operations of war had been frustrated, by the accidents of circumstance to which they must never submit.

Early in the session of 1769, Mr. Lee called the attention of the house of burgesses of Virginia to the late acts of the British parliament; his resolutions in opposition to the assumed right to bind the colonies, were characterized by some, as the overflowings of a seditious and disloyal madness, and produced the dissolution of the house; but not until he had as chairman of a committee on the judiciary and internal relations, brought in his report recommending the improvement of the navigation of the Potomac as high as fort Cumberland, thus evincing not only devotion to the cause of his country, but a deep penetration into her best interests.

The dissolution of the house of burgesses concentrated the opposition to the English ministry; the members having met in a private house, recommended their fellow citizens to refrain from the luxuries, and even necessities of life, if any of these were not the productions of their native land. Their advice operated as a law, non-importation societies spread over the colony, which religiously observed, and rigorously enforced the necessary restrictions. How far the exertions

of Mr. Lee may have contributed to this most effectual means of raising the voice of the merchants of Britain against the measures of the ministry, has not been ascertained. It is certain, however, that as an individual, he had long practised that which this meeting proposed, and being convinced of its efficacy, he wished to see it generally adopted. To show that in the variety of her productions, his country was independent of the world, and “to testify his respect and gratitude for those, who had shown particular kindness to Americans,” he sent presents of wine, the produce of his own hills, to distinguished men in England. The letters which accompanied these, and the orders to his London merchant not to furnish to him any article on which a duty had been laid, are dated previous to the formation of any non-importation society.

Mr. Lee was not deceived by the calm intervals of hope, which some of our countrymen permitted themselves to enjoy, during the years 1770, and 1771. He persevered in the course which he had marked out for himself, and by widely extending his correspondence, spread that information which the vigilance of his brother furnished.

Trial by jury, although in the hands of the deputies of kings it may be often an engine of oppression, is too unwieldy to be used for this purpose, if other means can be applied. The English ministry knowing this, and the sentiments of the people of America, did not believe, that among them, this glorious bulwark of liberty could be turned against herself, hence they sought to substitute for it the forms of the civil law, by extending the jurisdiction of the courts of admiralty. The act for this purpose passed the British parliament in 1772, and immediately on the meeting of the house of burgesses, Mr. Lee, in opposition to this unconstitutional

measure, proposed to address an humble petition to his majesty; which after reciting the grievances of his faithful subjects, should pray, "that he would be most graciously pleased to recommend the repeal of the acts passed for the purpose of raising a revenue in America, and for subjecting American property to the determination of admiralty courts, where the constitutional trial by jury is not permitted."

While many, during the following year, 1773, listened with melancholy attention, to the rumours spread abroad, in consequence of the burning at Providence of the *Gaspie* schooner, and the threatening aspect which the court of enquiry assumed, Mr. Lee only sought accurate information on the subject. For this purpose, he commenced a correspondence with the intrepid patriot Samuel Adams, which they afterwards continued, having been appointed by the legislatures of their respective states, members of committees on this subject. This correspondence exhibits so much dignified resentment, and firm determination, united with dispassionate observation and calm reasoning, as would obtain for it, even from the enemies of America, respect and consideration.

Lord North, the king's minister, suffered no passion to divert, no pursuit of pleasure to withdraw him from his deliberate design of destroying the liberties of this country. Plausible, deep and treacherous, he caused the duty acts, to be so far repealed, as would have imposed on the patriots of America a perplexing alternative, civil war for a trifling amount of taxes, or submission to a precedent of destructive tendency, had not the opposition of the inhabitants of Boston to the modified duty bill, taken the ministry by surprise, and caused them in their wrathful impatience to propose,

and the parliament to enact, a new and unheard of punishment, very disproportionate to the offence.

The first intelligence of this violent measure of the parliament was received by Mr. Lee, from his brother Dr. Arthur Lee, then in London, while the house of burgesses was in session; the resolution of the house to spend the day on which this act was to take effect, as a day of fasting, humiliation and prayer, caused the governor again to dissolve it. In a letter written immediately after this event, Mr. Lee states, that the unexpected dissolution of the house, prevented him from offering certain resolutions which he had prepared for the following day. The tenor of the whole may be inferred from the two last, which are in these words, "Resolved, that the blocking up, or attempting to block up, the harbour of Boston, until the people there shall submit to the payment of taxes imposed on them without the consent of their representatives, is a most violent and dangerous attempt to destroy the constitutional liberty of all British America. Resolved, that ——— be appointed deputies from this house to meet at ——— such deputies from the other colonies as they shall appoint, there to consider and determine on ways the most effectual to stop the exports from North America, and for the adoption of such other methods, as will be most decisive, for securing the rights of America against the systematic plan formed for their destruction."

Mr. Lee, having been prevented from offering these resolutions, proposed that the members of the house should assemble, and as representatives of the people, recommend the meeting of a general congress. They met, but the majority possessing less ardour, or as they thought, less rashness than Mr. Lee, pursued a more dilatory course. An address to the people was drawn up by Mr. Lee, and approved by the

meeting, embracing the substance of the first of the above resolutions, but the second was softened into a recommendation to the committee of correspondence, to obtain the sentiments of the other colonies, on the expediency of a meeting of deputies, "to deliberate on those general measures which the united interests of America may from time to time require." The meeting then adjourned till the first day of August.

An incursion of the Indians, on the frontiers of Virginia, furnished a cause or afforded a pretext to the governor, for summoning a new house of burgesses. Policy might prostrate what power could not suppress, the voice of a people resolved on freedom. He, therefore, issued writs for a new house, returnable on the eleventh of August, thus offering to the representatives an opportunity of meeting in the usual manner, as a reward for ten days delay, and as a bribe to renounce the authority of the people. If such were his motive, bitter disappointment was the fruit of his crafty scheme; for he saw the most distinguished men in the colony meet, at the call of the people, on the first of August, 1774, to compose the first assembly of Virginia.

After having advocated in this assembly, his favourite measure, with all the fervour of his nature and the power of his eloquence, Mr. Lee had the gratification to be deputed by it, with Washington and Henry, as delegates to a continental congress. This august body met at Philadelphia, on the fifth of September, 1774. It is said that silence, awful and protracted, preceded "the breaking of the last seal" in this assembly, and that astonishment and applause filled the house when this was done by Patrick Henry. The thrill of exultation and glow of excitement might have subsided into dejection or sunk into lassitude, had not Mr. Lee perceived,

“the quiver on every lip, the gleam on every eye.” With the quickness of intuition, he saw, that a small impulse could turn this mass of agitated feeling to evil or to good; he rose; the sweetness of his language, and harmony of his voice soothed, but did not suppress the emotions of the meeting; while with the most persuasive eloquence, he taught that there was but one hope for his country, and that was in the vigour of her resistance.

In Wirt's *Life of Patrick Henry*, it is assumed, that Richard Henry Lee was unfitted for the details of business, and it seems to be inferred, that, when the topics of declamation were exhausted, he whose powers could only be applied to excite or assuage the passions of a multitude, must have lost much of the influence which he had at first acquired. His failure in composition is in the same place asserted; but this assertion, would seem to be a corollary, from a principle which the author himself denies, that eloquence in speech and in writing are rarely united, or it may rest on the report of others, or be the fancy of his own powerful imagination, believed without thought, and rashly asserted as a fact.

The colouring of character in history ought not to be touched with partiality or disfigured by passion or resentment, but following the series of events in the short session of the first congress, to note those in which Mr. Lee took an active and important part, may be necessary to correct the inadvertency of the author of the *Life of Patrick Henry*.

Mr. Lee was a member of the leading committees of this session; to prepare an address to the king of England, to the people of Britain, and to the colonies. The committee for the first, were Messrs. Lee, Adams. Johnson, Rutledge and Henry; they reported a draught of a petition on the twenty-first of October, which was recommitted for the pur-

pose of embodying proposed amendments, and Mr. Dickenson was added to the committee. The amended petition was brought in on the twenty-fourth, and finally adopted. Of this, as well as of the original one, Mr. Lee has been generally considered as the author, but justice requires that this eloquent composition should be assigned to him who truly wrote it. On the presentation of the first petition, which had been drawn up by Mr. Lee, with all the energy natural to his character, and with a bold assertion of opinions, which, though coincided in by most of the delegates, it was deemed somewhat imprudent yet to express, Mr. Dickenson was added, as we have mentioned, to the committee, and to his pen the document is to be assigned. Messrs. Lee, Livingston, and Jay, were the committee to prepare a memorial to the people of British America, and an address to the people of Great Britain; in the committee it was agreed that Mr. Lee should prepare a draught of the former, the first in order and importance, and that Mr. Jay should sketch the other, which was accordingly done. On the twenty-first of October, the committee reported a draught of the memorial; it was debated by paragraphs, and with some amendments approved. It has always been believed, that the memorial was written by Mr. Lee, nor have any reasons to doubt it come to our knowledge. Messrs. Cushing, Lee and Dickenson were appointed to prepare an address to the people of Quebec, and it has often been said and never contradicted, that this address was written by Mr. Dickenson.

The committees to state the rights and grievances of the several colonies, and to devise the most effectual means of carrying into effect the resolution of non-intercourse with Britain, were not less important than the foregoing committees, and of these Mr. Lee was also a member. He knew,

that in the convulsion of states, courage and vigorous enterprise give safety ; in such periods inactivity is certain destruction, while bold temerity is often crowned with success ; he believed that to linger in doubt, in such a state of affairs, might be ruin to their cause, and in this belief, he proposed the following resolutions. “Resolved, that, as we find the reason, declared in the preamble to the act of parliament for raising a revenue in America, to be for supplying the civil government, the administration of justice, and for protecting, defending and securing the colonies, the congress recommend it to those colonies, in which it is not already done, to provide constitutional, competent, and honourable support for the purposes of government and administration of justice, and that as it is quite unreasonable, that the mother country should be at the expense of maintaining standing armies in North America for its defence, and that administration may be convinced, that this is unnecessary and improper, as North America is able, willing, and under providence, determined to defend, protect, and secure itself, the congress do most earnestly recommend to the several colonies, that a militia be forthwith appointed and well disciplined, and that it be well provided with proper arms.” This motion was not carried in the form here given ; the manuscript from which it is taken is in the handwriting of Mr. Lee, with the following memorandum superscribed, “A motion made in congress by Richard Henry Lee to apprize the public of danger, and of the necessity of putting the colonies in a state of defence ; a majority had not spirit to adopt it.”

Mr. Lee hailed with joy the spirit which pervaded the Suffolk resolutions, and cheered under their sufferings the inhabitants of Boston ; with the feelings of a man for whom property, and home, and life, have no allurements, when

destitute of that which gives a charm to them all, the possession of liberty, he moved, "that the congress are of opinion that it is inconsistent with the honour and safety of a free people, to live within the control and exposed to the injuries of a military force, not under the government of the civil power." The moderation of congress, however, enabled them to see the evils, which had arisen to other governments from too much legislation, hence they rejected Mr. Lee's resolution, believing that it was a subject on which the people of Boston ought to have an unprejudiced choice.

When the first Congress dissolved itself on the twenty-sixth of October, 1774, the impression which remained on the public mind, concerning Richard Henry Lee was, that in him elegance of manners was united with the strictest honour, and unshaken fidelity; that he was proof against temptation; firm, upright and void of ambition; that with great ardour of feeling, the boldness of his spirit was under the curb of reason and discretion.

Not to have returned Mr. Lee to the next assembly of Virginia, in 1775, would have argued in the people of Westmoreland, blindness to their own interest or ignorance of his character: their unanimous suffrage, however, was a grateful tribute to his merit and gave him a renewed opportunity of serving his country. The proposal of Patrick Henry, to arm the militia of the colony, met with opposition in this assembly, but the coldest nature must have been animated, the firmest prejudice moved, even the strongest reason shaken, had reason been in opposition, by the rapid communication of the passion for liberty, through the eloquence of a Henry and a Lee. "Give me liberty, or give me death," the concluding sentiment of the mover of the resolution, rung through the assembly, and the cords of

every heart were vibrating in unison ; the choice, however, was not made, till his friend and supporter assured them on the faith of holy writ, “ that the race was not to the swift, nor the battle to the strong, and if, (said Mr. Lee,) the language of genius may be added to inspiration, I will say with our immortal bard,

Thrice is he armed, who hath his quarrel just,
And he but naked, though locked up in steel,
Whose conscience with injustice is oppressed.”

They then became impatient of speech, their souls were on fire for action, the motion was carried, and Washington, Henry, and Lee, with others, appointed to prepare the plan called for by the resolution.

The second congress met on the tenth of May, 1775 ; to it Mr. Lee was deputed by the convention of his native state, having first received their thanks “ for his cheerful undertaking and faithful discharge of the trust reposed in him during the session of the last congress.” About this time the fond hope of peace and reconciliation, which the timid had hitherto cherished, fled ; and preparation for a vigorous resistance was seriously desired by all. Washington had been called to the command of the armies, by the unanimous voice of congress ; and his commission and instructions were furnished by Mr. Lee, as one of a committee appointed for that purpose. To prepare munitions of war ; to encourage the manufacture of saltpetre and arms ; to devise a plan for the more rapid communication of intelligence, were all works of vast importance, and the wisdom of congress availed itself of the knowledge and intellect of Mr. Lee, by

appointing him on each of the committees to carry these measures into effect.

Few memorials of the genius and taste of Mr. Lee, as an orator and a writer, have descended to posterity, but even these are sufficient, to excite regret for the loss of others, and to refute the calumnies, or correct the errors of some, who assert his failure in composition. The second address to the people of Britain, in the name of this congress, is the production of his pen, and an emblem of his mind; its sentiments are sublime; its style chaste and elegant; its reproaches dignified, and its expostulations fervid. For eloquence and depth of feeling, it is not surpassed by any of the state papers of that period, and well merits the eulogy pronounced on the writings of congress by the first lord Chatham. Speaking in the house of lords, that nobleman thus expressed himself: "when you consider their decency, firmness and wisdom, you cannot but respect their cause and wish to make it your own. For myself, I must declare and avow, that in all my reading, and it has been my favourite pursuit, that for solidity of reasoning, force of sagacity, and wisdom of conclusion, under all the circumstances, no nation or body of men, can stand in preference to the general congress at Philadelphia."

A short recess in the month of August, enabled Mr. Lee to retire to his native state, but not to leisure and repose; for he was present in the assembly, summoned by the royal governor to consider, what were called, the conciliatory propositions of lord North. These, however, when their sophistry was exposed, were found to be as unreasonable as insidious. The opinion of congress was the voice of the colonies, that "they seemed to be held up to the world to

deceive it into a belief, that there was nothing in dispute but the mode of levying taxes."

On the thirteenth of September the congress again met for business. To state the important part, which the subject of this memoir took in the events of this session, would be to record all its acts. To devise ways and means of furnishing the colonies with a naval armament, to consult with the commander in chief, on a plan of military operations, to raise ten millions of dollars for the service of the country, to examine into the execution of continental contracts, and to consider the propriety of establishing a department of war, are a few of the important duties assigned to him by the voice of this assembly.

Already had the clash of arms resounded, and the union of the colonies been cemented by blood poured out in their common defence: the hosts of Britain had assembled on our shores, and with the timidity of conscious guilt were invoking help from the Indian and the slave; and the towering navy of England, rode lordly along our coasts, discharging on our unprotected fields the Hessian swarms. The justice of their cause, and the moderation of their counsels, amid such difficulties, attracted to congress the sympathy and regard of foreign nations, while yet they knew not the object of the contest. But the period had now arrived, when this was to be published to the world, and the convention of Virginia had instructed her delegates to urge the congress solemnly to declare it.

Mr. Lee was chosen to move the resolution in congress; he knew that the implacable hatred of tyrants would pursue him for revenge, and that the uncertain issue of war, might place him in their power; but foreign states could form no alliance with rebels, and England was not resting on her

own mighty resources : necessity urged, and Mr. Lee had ever listened to the voice of his country ; he depended, for his safety, on the extent of her territories, her capabilities of defence, and the alliances which the declaration of independence would procure, or he despised the consequences, and was deaf to the suggestions of fear. On the seventh of June, 1776, Mr. Lee moved “ that these united colonies are, and of right, ought to be, free and independent states ; that they are absolved from all allegiance to the British crown ; and, that all political connexion between them, and the state of Great Britain, is, and ought to be, totally dissolved.”

This motion, which was followed by a protracted debate of several days, was introduced by one of the most luminous and eloquent speeches, ever delivered by its illustrious mover. “ Why, then, sir, (says Mr. Lee, in conclusion,) why do we longer delay ? Why still deliberate ? Let this happy day give birth to an American republic. Let her arise, not to devastate and to conquer, but to re-establish the reign of peace and of law. The eyes of Europe are fixed upon us ; she demands of us a living example of freedom, that may exhibit a contrast, in the felicity of the citizen, to the ever increasing tyranny which desolates her polluted shores. She invites us to prepare an asylum, where the unhappy may find solace, and the persecuted repose. She entreats us to cultivate a propitious soil, where that generous plant which first sprung and grew in England, but is now withered by the poisonous blasts of Scottish tyranny, may revive and flourish, sheltering under its salubrious and interminable shade, all the unfortunate of the human race. If we are not this day wanting in our duty, the names of the American legislators of 1776, will be placed by posterity, at

the side of Theseus, Lycurgus and Romulus, of the three Williams of Nassau, and of all those whose memory has been, and ever will be, dear to virtuous men and good citizens."

On the tenth of June, it was resolved, "that the consideration of the resolution respecting independence be postponed till the first Monday in July next, and in the mean while, that no time be lost, in case the congress agree thereto, that a committee be appointed to prepare a declaration to the effect of the said resolution."

On the same day, an express from Virginia informed Mr. Lee of the dangerous illness of some members of his family, which made his presence there absolutely necessary : leave was obtained by him to withdraw from his duties in congress, and it was left to others to perfect his measures, by issuing that declaration for which he had so ably prepared the public, by his writings, by his speeches, both in and out of congress, and by all the energies of his powerful mind. According to the rules of parliamentary procedure, the original mover of an approved resolution is usually chairman of the committee, and appointed to draught any consequent report ; in the absence of the mover, Mr. Jefferson was elected to that honour, and the document from his pen, is not more worthy of admiration, for the effects which it has produced, than for the purity, dignity, and eloquence of the composition. The original draught was transmitted on the eighth of July, to Mr. Lee, with the amended copy, as approved by congress.

In consequence of his great exertions to procure a declaration of independence, and his able support of the freedom of his country, Mr. Lee was exposed to the more immediate and implacable hatred of the king of England and his minis-

ters. It is asserted, that had the arms of England prevailed, the surrender of Washington and Lee would have been demanded as a preliminary to any treaty. The rudeness of individuals cannot be charged upon their nation, yet, that men, in the garb and rank of gentlemen, could not refrain from expressing, to the sons of Mr. Lee, then at school in St. Bees, "the hope that their father's head might soon be seen on Tower hill," may serve to show the light in which he was viewed by the royalists of that day. The desire of the enemy to cut off by any means so able a supporter of the rights of America, was only equalled by the solicitude of his fellow citizens to secure his safety and happiness.

During his absence from congress, a British captain of marines, with a strong party of men from vessels of war then in the Potomac, broke into his house at midnight, and by threats and bribes endeavoured to prevail on his domestics to betray their master, for, it was understood that Mr. Lee was in the vicinity. Honourably deceitful, the servants assured the party, that he had already set out for Philadelphia, although he was then only a few miles from his farm. The solicitude of his friends for his safety was evinced by their constraining him to forego the melancholy pleasure of a visit to general Charles Lee, then a prisoner in New York. Mr. Lee's reply to the invitation of the general, is marked with the brevity of deep feeling and with the language of manly grief, which swells the bosom, when it cannot serve a friend in the time of necessity. It is as follows :

"My dear friend, my feelings are not to be described. I would go to every extremity to serve my friend and the able friend of liberty and mankind. But here my power fails. I

have not the smallest idea of personal danger, nor does this affect the present question.

“Farewell, my dear friend, may you be as happy as you deserve, then the cause of humanity will have nothing to fear for you.”

The absence of Mr. Lee from congress continued till the beginning of August, 1776 ; but immediately on his return, he was appointed on the most important committees. He took a distinguished part in preparing a plan of treaties with foreign nations, and in reconciling the people to the almost dictatorial powers of Washington ; he furnished instructions for our ministers to foreign states, and many of the letters addressed by congress to these ministers, are the productions of his pen.

From his return to congress till June, 1777, he continued to sustain the great weight of business which his talents and persevering industry drew upon him, and walked through the same luminous path of glory as in the former congress. But in such dazzling brightness of fame, not to have cast some shade, would have argued him more than man. The malice of the envious and the monarchists, or the meritorious vigilance of pure republicans, charged Richard Henry Lee with toryism, and dissaffection to his country ; his receiving rents in kind and not in colonial money, was the fact, on which they rested so odious an imputation. From whatever motive the accusation proceeded, it gained strength in its progress, and suspicion, which in such periods almost ceases to be a vice, caused it to be generally believed.

Regard for his reputation, as well as for his health, which continued anxiety for the welfare of his country had impaired, induced Mr. Lee to solicit leave of absence and to return

to Virginia. He there demanded an enquiry by the assembly into the nature of the allegations against him. The senate attended, and their presence gave additional solemnity to the scene. The result was, that in pursuance of a resolution of the house, the venerable George Wythe, while the tear of deep feeling stood in his eye, addressed Mr. Lee in these words.

“It is with peculiar pleasure, sir, that I obey this command of the house, because it gives me an opportunity while I am performing an act of duty to them, to perform an act of justice to yourself. Serving with you in congress, and attentively observing your conduct there, I thought that you manifested in the American cause a zeal truly patriotic; and as far as I could judge, exerted the abilities for which you are confessedly distinguished, to promote the good and prosperity of your own country in particular, and of the United States in general. That the tribute of praise deserved, may reward those who do well, and encourage others to follow your example, the house have come to this resolution: that the thanks of this house be given by the speaker to Richard Henry Lee, for the faithful services he has rendered his country, in discharge of his duty as one of the delegates from this state in general congress.”

The candour and justice of the house in this investigation was not undeserved, for the motives of Mr. Lee were pure although the assertions had some foundation in truth. When the non-intercourse regulations were generally adopted, and the want of markets lessened the demand for produce, Mr. Lee, probably at the request of his tenants, received his rents in kind; but during the war the quantity of produce was diminished and the demand increased, while the issues of paper money by the states and congress, impaired its real

value; so that the contract became then more beneficial to Mr. Lee than rents in money would have been. Inattention in one or both of the contracting parties, or the arduous duties of Mr. Lee in congress, prevented any new agreement, till the assembly, by omitting his name in the list of delegates, furnished a motive and leisure to him, to cause inquiry into the affair and to justify his conduct.

Mr. Lee, on the resignation of Mr. Mason, was appointed to fill the vacancy in congress, and continued with his usual devotion to his country, to discharge all the duties of his station. His health, however, daily declined, and finally forced him, during the sessions of 1778 and 1779, to withdraw at intervals from the overwhelming business which he could not longer sustain. It has been remarked by Dr. Shippen, in whose house he lodged, that "Mr. Lee's labours were not confined to those subjects referred to his consideration, and that there was a constant progression of members repairing to his chambers to consult about their reports."

No subject of more importance to the United States had yet come before congress, than the instructions necessary to be given to ministers, who were to negotiate treaties with foreign powers. The firmness and enlightened views of Mr. Lee were peculiarly conspicuous in the debates on that subject. No sectional jealousy nor individual state interest could affect his mind: the prosperity of the east, the grandeur of the west, received alike his solicitude and care. The right to the fisheries, and navigation of the Mississippi, were by him thought necessary to secure these objects, and the journals of 1779, which record the votes on this discussion, frequently present him alone, of the Virginia delegation, supporting these rights, as the ultimatum of the United States, in any negotiation. It may not, however, have been from

lightly esteeming an interest in which they could not participate, that the representatives of the southern states were ready to abandon the right to the fisheries, and that they refused to demand an entire and free navigation of the Mississippi. The opinions of Washington may have been the sentiments of the majority. He thus writes to Mr. Lee on the subject: "I have ever been of the opinion that the true policy of the Atlantic states would be, instead of contending prematurely for the free navigation of that river (the Mississippi,) to open and improve the natural communications with the western country, through which the produce of it might be transported with convenience and ease to our markets. And sure I am, there is no other tie by which they, (the inhabitants of the west,) will form a link in the chain of federal union."

Mr. Lee indeed at this period either from his feelings or judgment, or perhaps from both, seems to have identified himself, in a considerable degree, with the interest of the eastern states, so far even as to think of that portion of the country as his future residence. It is difficult entirely to account for these feelings, certainly not those which usually actuate the citizens of Virginia. With the proceedings of his native state he had been undoubtedly dissatisfied; and he may fairly be justified from the state of society which prevailed there, before the important and beneficial changes which followed republican institutions were fully introduced. There seem, however, to have been at the period in question, some remains of the pomp and luxury, of the pride of family and haughtiness of manner which characterized the Virginians before the revolution. That they, whose vigour of manhood was devoted to their country, and whose mental and physical energies were called forth only for her welfare; whose health was impaired and whose for-

tunes were almost exhausted in so glorious a cause, should seek by retirement to avoid the painful contrast which the proud humility of such men would form with their virtuous and dignified pride, is consistent with the best feelings of our nature, and may account for the conduct of both Mr. Lee and Mr. Henry.

We are enabled to present the reader with several letters written by Mr. Lee about this time, and when absent from congress, in which the feelings to which we have alluded, are strongly marked, and which at the same time will throw light on the events of the times, and give pleasing examples of his epistolary style.

1778, November 29—writing to Mr. Whipple, he says, “Nothing can be more pleasing to me in my retirement than to hear from my friends, and the pleasure will be increased when they inform me that the vessel of state is well steered, and likely to be conveyed safely and happily into port. My clear opinion is, that this good work must be chiefly done by the eastern pilots. They first taught us to dread the rock of despotism, and I rest with confidence on their skill in the future operations. I venerate Liberty Hall, and if I should envy its present inhabitants any thing, it would be the sensible sociable evenings they pass there. I have not yet been able to quit the entertainment of my prattling fire-side; when I have heard every little story, and settled all points, I shall pay a visit to Williamsburg, where our assembly is now sitting.

“Before this reaches you, I hope your labours in the Hall will have put the finishing hand to our important business of finance. If our money matters were once in a good way, we should have the consent of our wise and cautious friend Mr. Sherman, to the pushing forward with zeal the navy of

the United States ; an object in my opinion of great magnitude ; I may be mistaken, but I have thought our sensible friend rather too cautious upon this head. A well managed force at sea, will not only make us very respectable, but presently repay its cost with interest. We shall surely err, by reasoning from what has happened to what will happen, because we have heretofore singly opposed our feeble force on the sea, to the overgrown power of Great Britain ; but now, our marine force, under the supporting wing of our great and good ally, will thrive I hope, and grow strong upon the spoils of our common foe. I wish the marine committee may stoutly contend against all opposition, and vigorously increase the navy. In favour of this system, we may say that the wealth and glory of many states have been obtained by their fleets, but none have immediately lost their liberty thereby. Let the man be produced who can truly say as much of standing armies. I left my worthy colleagues of the marine committee, well disposed to relieve us this winter from the depredations of Gutridge's fleet of pirates, who infest the coast extremely, from New York to Cape Fear. They not only injure our commerce greatly in these middle states, but they prevent in great measure the water communication between us and our eastern friends. This fleet did consist of one brig of sixteen guns, a schooner of the same force, a sloop of twelve guns, and the rest of little strength. Whilst your northern seas are too tempestuous for cruising, this southern coast, supplied with such convenient harbours, may be visited by the continental frigates, making Chesapeake Bay their place of rendezvous, to the extirpation of these sea banditti that disturb us so much at present. A stroke of this sort would do credit to our committee, and serve the com-

mon cause. If the frigates came three or four together, they would be ready for any small British force that might accompany the Guttridges. The fortifications of Portsmouth, Hampton, and York, will afford them a sure asylum against any superior force.

“Remember me with affection to the society at Liberty Hall, to my friends of Connecticut, Rhode Island, Jersey, Pennsylvania, and Delaware—I fancy this is as far as I can safely go, unless I were to admit the good old president.”

1778, June 26—To the same he says, “I wish this may find you as happy at Philadelphia as we are at Chantilly, nothing but the want of rain disturbs us. We have neither wicked, nor perverse, nor foolish politicians here, whose misconduct makes us fear for the safety of our country. I have frequently admired the philosophic ease with which you have contemptuously viewed proceedings in congress, that I own, shocked me exceedingly. I suppose you have fixed your opinion with Mr. Pope, that “whatever is, is right.” I believe indeed that the wisdom and goodness of the Creator, does most frequently deduce good from evil, yet I am extremely chagrined when I see wicked and weak men have session in and mis-conduct the public councils. I understand that our excellent friend Samuel Adams has left congress. I am truly sorry for it, because I well know that his ability and integrity would be missed from any assembly, but are indispensable to the one from which he went. As you are the oldest member, and the most skilful in marine matters, I take it for granted that you are now chairman of the marine committee. But whether so or not, let me entreat that you prevail with the committee to order two frigates into Chesapeake Bay, if it is only for a few days. The Confederacy and the

Boston can with infinite ease destroy the enemy's vessels which are doing us so much injury, and creating so great expense, by frequent calls for militia. They have already burnt several private houses, and one public warehouse with between two and three hundred hogsheads of tobacco, and carried off much plunder and many negroes. As soon as they see the militia gathering, they embark and go to another unguarded place. They have six vessels—Otter sixteen, Harlem twelve guns, king's vessels; Dunmore sixteen, schooner Hammond fourteen, Lord North twelve guns, and Fincastle two three pounders. The four last Guttridge's pirates. They say their orders are to burn and destroy all before them. An eastern man whom they had captivated and detained, escaped from them when they were burning the warehouse, and gives us the above account of their force, which is confirmed by others. They land between sixty and seventy men when they mean to do mischief. I do not think that I can be charged with excess of opinion in favour of our navy, when I say, it appears to me, that the frigates already mentioned, could quickly destroy these pirates and return to their station, after thus relieving our water bound country, and removing the cause of great expense. The frigates by calling at Hampton can get the best intelligence of the enemy's situation and force. I shall thank you for your foreign and domestic news, as well as to know what tunes the fiddle party have and are playing. My best respects attend my whig friends in congress."

1779, August 8—To the same, he says, "My indisposition prevented me from replying to your favour of the eleventh, by last post, and I am now very unwell, but will no longer delay thanking you. We are much obliged to the marine

committee for their attention ; I see the frigates have taken and sent in two prizes, vessels of war. The other frigate you mention, would no doubt have been of considerable service. I am very apprehensive with you, that her freight will not be ready for some time ; not until other goods come to replace ; I hope those coming will be really good, and not such miserable, pernicious stuff, as that to be re-proved. Worse goods cannot come, so that a change bids fair to be beneficial. God send it may quickly take place. I fancy the “ ugly instrument ” is hurt a good deal by the dressing lately given by our assembly. The oath anti-commercial ordered to be taken. Pray inform me if you can, whether the bass viol has groaned it out. I had thought it would stick in the throat, not from principle, but from fear. No doubt the “ old game ” will continue to be played, whilst a certain set continue where they are. The best and most faithful friends of America, must be execrated by the best and most faithful friends of our enemies : and this is the clue to unfold much of what you see. Did you not enjoy some phizzes when Dr. Lee’s vindication and vouchers were read ? Some people will always think it “ clearly out of order,” to give the public this conviction of their own, and their friends’ criminality. But I trust there will be a majority virtuous enough to do this justice to the community, and to individuals. Shylock should have justice, and the law—yea the law of Moses, “ forty save one.” I fancy you were not much deceived about the budget. I will engage that from this opener it will be generally deceptive, unimportant, or partifid. I have the most heartfelt attachment to our navy, and therefore wish to know that the fisheries go on well, and that the marine committee are attentive. If the enemy go on burning in this manner, their masked friends in——will never be able to bring us again under British

bondage, even finance and foreign affairs are trifled with, abused, and go wrong——Colonel F. L. Lee is very thankful for your kind remembrance of him, and sends his respects—he is not well any more than myself. It is impossible for us to be so, whilst the cause of America receives such injury from bad men.”

1779, September 4—to the same he writes, “I am infinitely obliged to you for your very friendly letter of the twenty-third last, and I assure you that whilst I live, I shall never fail to retain the most affectionate remembrance of you. My health, I thank you, is well restored, and my spirits not a little enlivened, by the discomfiture of those wicked ones, whose detestable arts have prevailed, much too long for the interest of that cause, which we have laboured so much to promote and to secure; I believe the Confederacy’s freight will be a very guilty one, and the sooner we are quit of it the better; I think the companion of Mr. Adams to be the very worthy man he describes him, and such an one as will honour his country, and benefit, not distract this. I can feel with proper force, the satisfaction that good men must have received, and the chagrin that bad ones felt, when Dr. Lee’s papers were read; but how, my dear friend, will the honour of congress stand, if they suffer that wicked insulter and injurer of America, Silas Deane, to go off uncensured; already you find, by his memorial, that your silence is construed into approbation of his conduct, and this idea will be pushed through the world to his plaudit, and the indelible dishonour and disgrace of congress. Yet, it is most certain, that upon the estimation with which mankind regard congress, does the future interest and success of the United States most essentially depend. Fiddle is the most contemptible wretch in the world, and if he takes the oath and

remains in congress, I am much misinformed, if he w'll not have deep cause to rue it. You have certainly been exonerated of abundance of filth lately from congress ; does not an Augean stable yet remain ? I hope, however, it will be cleanse d at last. If you do not get a wise and very firm friend to negotiate the fishery, it is my clear opinion that it will be lost ; and upon this principle, that it is the interest of every European power, to weaken us and to strengthen themselves. Mr. Ford is gone to Williamsburg to demand a public hearing before the governor and council, that he may, as he says he can clearly do, refute the calumnious charges brought against him in his absence. Long ere now, I suppose you have received the dispatches he brought, which I forwarded by express ; I believe they contained more proofs of the wickedness of faction. Dr. Lee informs us that he will return to America as soon as the treaty with Spain is accomplished. I submit my opinion concerning his resignation to the wise judgment of his, and America's friends ; it gives me great pleasure to hear that you do not mean to quit congress soon ; it is very agreeable to me to hear that our little fleet has fallen in successfully with the Jamaica fleet. I am always rejoiced to hear that our navy is fortunate."

1779, October 7—to Mr. Adams, at that time just returned from France, he writes, "I congratulate you most sincerely on your safe arrival, and your return to your family and country. I hope you found the former in good health ; the latter I am very sure will at all times be benefitted by the assistance of so able a citizen, and the more so especially at this time, when the most important of all sublunary things is under consideration, the establishment of a government. Independently of a general principle of philanthropy, I feel myself interested in the establishment of a wise and free republican

government in Massachusetts, where yet I hope to finish the remainder of my days. The hasty, unpersevering, aristocratic genius of the south suits not my disposition, and is inconsistent with my views of what must constitute social happiness and security.

“It is not long since I received your favour of February the thirteenth, from Paris. So far as immediate personal ease and happiness are the objects, it is beyond a doubt that the life of a private citizen is more desirable than any public character whatever, and especially such as carry us from home. But my friend, we must consider that individual happiness flows from the general felicity; and the security of the whole is the safety of particulars. What must become of the American cause and character, if her councils at home and abroad are to be filled and conducted by half Tories, ambitious, avaricious and wicked men? These considerations induce me to wish that you would not give up the thoughts of public service, until our affairs are better settled. I wish with all my heart, that the Chevalier De la Luzerne and Mr. De Marbois had originally come here. I do assure you, it would greatly have benefitted the cause of the alliance and the United States. Such scenes of wicked intrigue I never expected to take place in America, until the maturity of time and luxury with its consequent train of vices, had ripened us for destruction! * * * * I heartily wish you success in your negotiation, and that whilst you secure one valuable point for us, (the fisheries,) you will not the less exert your endeavours for another very essential object, the free navigation of the Mississippi, provided guilty Britain should remain in possession of the Floridas. I totally despair of this navigation from any other advocacy.”

The feelings which these letters indicate, only prompted Mr. Lee to devote himself with increased zeal to the defence of his country, in every practicable manner. When absent from the legislature we find him in the field, displaying all the spirit, in resisting the aggressions of the enemy, which is manifest in what he wrote. They had at this period turned their attention to the southern states, and were carrying on against the coast of Virginia a predatory and harassing warfare; and Mr. Lee was appointed, as lieutenant of the county, to the command of the militia of Westmoreland. In the field he was as distinguished for firmness, energy, activity and judgment, as he had been in the councils of the nation, and although none of the counties on the Potomac were more exposed than Westmoreland, his judicious disposal of the troops under his command protected it from the distressing incursions to which the others were subjected. The testimony of generals Weedon and Greene in favour of the military arrangements for defence made by Mr. Lee, are not more honourable to his fame than the complaints of the enemy, "that they could not set foot on Westmoreland without having the militia immediately upon them." Such was the language of captain Grant, who at this time with a few British schooners and tenders kept possession of the Potomac, and ravaged the counties on both its banks.

The nature of this command prevented any distinguished exploit, yet the frequent skirmishes with the enemy rendered it peculiarly dangerous. On one occasion, in an attempt to seize a tender of the enemy which had been driven ashore, Mr. Lee narrowly escaped; for, while he was rallying his scattered company, which the long guns from the boats of the enemy, and the small arms of a detachment on shore had thrown into confusion, his attention was so occupied that his

horse fell with him amid the broken and insecure ground on the beach, only a few yards from the advance of the British troops. His presence of mind did not forsake him in so untoward an accident, and he was by great skill able to cover the retreat of his little party without considerable loss on his side.

During the years 1780, 1781, 1782, Mr. Lee would not accept a seat in congress, from a belief that his services in the assembly of his native state would be more profitable to his country ; particularly at that time when the establishing of her government, and some of her most important concerns were under consideration. Among these, three subjects were more particularly prominent, and most frequently agitated in the house, the making paper money a legal tender at its nominal value, the payment of British debts, and a capitation tax for the support of the clergy, or as the advocates of the measure called it, "a general assessment for the support of the christian religion."

With respect to the payment of British debts, and the policy of making paper money a legal tender, Mr. Lee was constantly opposed to his friend Patrick Henry, and they both, among the new political characters who had risen high in public estimation, continued to keep their place far in the van. The vivid and interesting comparison of the merits of these great men, at the time of which we treat, is given by a correspondent of the author of the *Life of Patrick Henry*. "I met with Patrick Henry in the assembly, in May, 1783 ; I also then met with Richard Henry Lee. These two gentlemen were the great leaders of the house of delegates, and were almost constantly opposed : there were many other great men who belonged to that body, but as orators they cannot be named with Henry or Lee. Mr. Lee was a polish-

ed gentleman. He had lost the use of one of his hands, but his manner was perfectly graceful. His language was always chaste, and although somewhat too monotonous, his speeches were always pleasing, yet he did not ravish your senses nor carry away your judgment by storm. His was the mediate class of eloquence, described by Rollin in his *belles lettres*. He was like a beautiful river, meandering through a flowery mead, but which never overflowed its banks. It was Henry who was the mountain torrent, that swept away every thing before it; it was he alone who thundered and lightened, he alone attained that sublime species of eloquence, also mentioned by Rollin."

To impede the payment of British debts, Mr. Lee thought a violation of all principles of honesty and national honour, and declared, "that it would have been better to have remained the honest slaves of Britain, than become dishonest freemen." He eloquently urged, that to encourage citizens to make light of the faith of contracts, was to undermine the principles of virtue, on which alone republics may rest secure. His views on the other subjects may be learned from the following quotations: "The vast sums of paper money," he says in a letter to Mr. Jefferson, "that have been issued, (and this being now a tender for the discharge of rents) and the consequent depreciation, has well nigh effected an entire transfer of my estate to my servants. I am very far from desiring that the law should place these contracts literally as they were, but substantially it seems just that they should be. Public justice demands that the true meaning and genuine spirit of contracts should be complied with."

His sentiments on "the general assessment law," are thus stated in a letter to Mr. Madison, and are coincident with

those of Patrick Henry. "It is certainly comfortable to know, that the legislature of our country is engaged in beneficial pursuits; for I conceive that the general assessment, and a digest of the moral laws, are very important concerns; the one to secure our peace, and the other our morals. Refiners may weave reason into as fine a web as they please, but the experience of all times shows religion to be the guardian of morals; and he must be a very inattentive observer who cannot perceive, that in our country, avarice is accomplishing the destruction of religion, for want of a legal obligation to contribute something to its support. The declaration of rights, it seems to me, rather contends against forcing modes of faith and forms of worship, in religious matters, than against compelling contribution for the support of religion in general."

To state the opinions of Mr. Lee on these subjects, seemed to be the duty of his biographer; but to discuss the merits of the questions involved in them, belongs to the philosophic historian. The people most interested then, were, no doubt, competent to distinguish between the fitness of a proposition and the authority of a name; between the strength and clearness of intellect, and absolute infallibility.

The sovereignty and independence of the United States were now acknowledged by England, and the provisional articles of peace embraced those measures which Mr. Lee had so strenuously supported. The sheathed sword required no longer an arm to wield it, but the deliberative council might still be aided by the voice of experience. Mr. Lee, therefore, willingly accepted the mark of confidence and attachment with which the people of Virginia again honoured him, and took his seat in congress, on the first of November, 1784. The highest office under the old confederation was

then vacant, and on the thirtieth of the month a sufficient number of states having assembled, Mr. Lee was raised to the presidential chair. The delegates to congress were unanimous in their choice; the congratulations of Washington and Samuel Adams were re-echoed by every state in the union, and were well merited by the vigour, zeal and patriotism which the president of congress exhibited in that high office. Every department of public business shared his attention; his correspondence with ministers, and his intercourse with diplomatists of foreign courts, were marked with dignity and republican plainness and sincerity. When his time of service expired, he retired to the bosom of his family, with the satisfaction of having faithfully discharged the trust reposed in him, having received "the thanks of congress for his able and faithful discharge of the duties of president, while acting in that station."

Mr. Lee was not a member of the convention which discussed and adopted the federal constitution; but he was strongly opposed to its adoption without amendment; its tendency, he thought, was to consolidation, and he believed that despotism would be the result of subjecting such an extent of country, interests so various, and people so numerous to one national government. He recommended, however, the most cool, collected, full and fair discussion of that all-important subject. "If it be found right, (said Mr. Lee) adopt it, if wrong, amend it, at all events; for to say that bad governments must be adopted for fear of anarchy, is really saying that we should kill ourselves for fear of dying. But since it is neither prudent nor easy to make frequent changes in government, and as bad governments have been generally found the most fixed, so it becomes of the last importance to frame the first establishment upon grounds the most unexcep-

tionable, and such as the best theories, with experience, justify ; not trusting as our new constitution does, and as many approve of doing, to time and future events, to correct errors that both reason and experience in similar cases, now prove to exist in the new system."

The good of his country was the sole motive, and reason the only means of opposition to the adoption of the federal constitution used by Mr. Lee. Fear, the offspring of force and opinion, seemed to him the only means by which to restrain men ; the latter cannot exist without competent knowledge of those who govern, and that knowledge cannot exist in so extensive a country as the United States, so as to support one general government. He was anxious that the confederated states, united for mutual safety and happiness, should contribute to the federal head, only such part of their sovereignty as might be necessary for these purposes ; but when a majority of the people willed that constitution to be the rule by which they would govern themselves, he thought it his duty, to endeavour by every means, to establish in the commencement of the government, such a system of precedents, as would check the evil tendencies then supposed to exist in the constitution.

As the first senator from Virginia under the new constitution, he proposed several amendments, the adoption of which seemed to him to have lessened the apprehended danger. He continued to hold the honourable and important trust of senator of the United States, with great satisfaction to his native state and advantage to his country, till enfeebled health induced him to withdraw from public life, and seek that repose which is so agreeable to declining years, and that enjoyment, which a mind like his, always receives within the circle of domestic retirement. On the twenty-second of October,

1792, the senate and house of delegates of Virginia, unanimously agreed to a vote of thanks, in these words: "Resolved, unanimously, that the speaker be desired to convey to Richard Henry Lee, the respects of the senate; that they sincerely sympathize with him in those infirmities which have deprived their country of his valuable services; and that they ardently wish he may, in his retirement, with uninterrupted happiness close the evening of a life, in which he hath so conspicuously shone forth as a statesman and a patriot; that while mindful of his many exertions, to promote the public interests, they are particularly thankful for his conduct as a member of the legislature of the United States."

The preceding sketch may give some idea of the public services of Mr. Lee, but who can depict him in that sphere of which he was the centre? giving light and happiness to all around him, possessing all the enjoyment which springs from virtue, unblemished fame, blooming honours, ardent friendship, elegance of taste, and a highly cultivated mind. His hospitable mansion was open to all; the poor and the distressed frequented it for relief and consolation, the young for instruction, the old for happiness; while a numerous family of children, the offspring of two marriages, clustered around and clung to each other in fond affection, imbibing the wisdom of their father, while they were animated and delighted by the amiable serenity, and captivating graces of his conversation. The necessities of his country occasioned frequent absences, but every return to his home was celebrated by the people as a festival; for, he was their physician, their counsellor, and the arbiter of their differences; the medicines which he imported were carefully and judiciously dispensed, and the equity of his decisions were never controverted by a court of law. Enough has been said to

show the extent of his acquirements, and the refinement of his taste, the solidity of his judgment and the vividness of his imagination; but the personal appearance of such a man may be an object of curiosity to posterity. His person was tall and well proportioned; his face was on the Roman model; his nose Cæsarian; the port and carriage of his head leaning persuasively forward; and the whole contour noble and fine. The eye which shed intelligence over such features, had softness, and composure as its prevailing characteristic, till it glowed in debate or radiated in conversation. His voice was clear and melodious, and was modulated by the feeling which swayed his bosom. The progress of time was insensible to those who listened to his conversation, and he entwined himself around the mind of his hearers, fixing his memory on their hearts. In the vigour of his mind, amid the honours of the world and its enjoyments, he had declared his belief in Jesus Christ as the Saviour of men.

The following sketch may gratify the reader, although it can only serve to bring the defects of the present undertaking into stronger and more immediate contrast. The writer cannot, however, refrain from ornamenting his work with it, even while the poet's warning is fully before him. "Mr. Lee had studied the classics in the true spirit of criticism. His taste had that delicate touch which seized with intuitive certainty every beauty of an author, and his genius that native affinity which combined them without an effort. Into every walk of literature and science he had carried his mind of exquisite selection, and brought it back to the business of life, crowned with every light of learning, and decked with every wreath that all the muses and all the graces could entwine. Nor did these light decorations constitute the whole value of its freight. He possessed a rich

store of political knowledge, with an activity of observation and a certainty of judgment, which turned that knowledge to the very best account. He was not a lawyer by profession, but he understood thoroughly the constitution both of the mother country and of her colonies, and the elements also of the civil and municipal law. Thus, while his eloquence was free from those stiff and technical restraints, which the habit of forensic speaking are so apt to generate, he had all the legal learning which is necessary to a statesman. He reasoned well, and declaimed freely and splendidly. The note of his voice was deep and melodious. It was the canorous voice of Cicero. He had lost the use of one of his hands, which he kept constantly covered with a black silk bandage, neatly fitted to the palm of his hand, but leaving his thumb free; yet, notwithstanding this disadvantage, his gesture was so graceful and highly finished, that it was said he had acquired it by practising before a mirror. Such was his promptitude, that he required no preparation for debate. He was ready for any subject as soon as it was announced, and his speech was so copious, so rich, so mellifluous, set off with such bewitching cadence of voice, and such captivating grace of action, that while you listened to him, you desired to hear nothing superior; and indeed, thought him perfect. He had quick sensibility and a fervid imagination."

Mr. Lee breathed his last on the nineteenth of June, 1794, in the sixty-fourth year of his age, at Chantilly, Westmoreland county, Virginia, a few weeks before the celebration of the day on which his eloquent tongue and intrepid mind, had given birth to the independence of his country.

THOMAS JEFFERSON.

THE great tragic poet of antiquity has observed, and historians and philosophers in every age, have repeated the observation, that no one should be pronounced happy, till death has closed the period of human uncertainty. Yet, if to descend into the vale of life, beloved and honoured; to see the labours of our earlier years, crowned with more than hoped for success; to enjoy while living, that fame, which is usually bestowed only beyond the tomb; if these could confer aught of happiness, on this side the grave, then may the subject of our memoir be esteemed truly happy.

He, indeed, survived those who were the partners of his toils, and the companions of his earlier years; but in so doing, he did not experience the usual fate of mortality, in surviving the sympathy, the kindness, and the love of his fellow creatures. A new race of companions rose around him, who added to those feelings the deeper ones of admiration, respect, and gratitude; and he long lived in the bosom of his country, which was the bosom of his friends, cherished with an affection, bestowed at once by the ardour of youth, and the reflection of age.

One cannot resist applying to him, that sentiment in which the greatest of historians has indulged, when speaking of a man whom Mr. Jefferson strongly resembled, in the mild and virtuous dignity of his domestic character, his fondness for the pursuits of science, chastened, but not extinguished by the occupations of an active life, the serenity of his temper and manners, and a modesty and simplicity, which, while they shed an uncommon lustre over his public career, doubly adorned the less conspicuous scenes of retirement. “*Agricola* had possessed to the full,” says Tacitus, “those enjoyments which alone can make us truly happy, those which spring from virtue—he had been adorned with all the dignity, which consular rank or triumphal honours could bestow—what more could fortune add to his happiness or his fame?”

Need the author of this article say, that it is with feelings of unaffected diffidence, he takes his pen to record a brief, and probably transient account, of the chief incidents in the life of this distinguished man? need he say, that he can indulge no hope of portraying, either vividly or justly, those brilliant characteristics with which it abounds? and need he add, that if his sketch shall possess any interest, it is to be attributed more to the illustrious name which adorns it, than to its own excellence? He is indeed but too well aware that the historian of Mr. Jefferson has not an easy task to perform. His was a life of no common character. It was one abounding in great events and extraordinary circumstances, upon which the opinions of his countrymen have been so much divided, that prejudices arising from their divisions, have thrown their shade upon almost every transaction of his life. Let it be remembered, however, that to these conflicting sentiments, a biographer is not called on to become a party; nor would it be proper in him to obtrude the pecu-

liar opinions he may entertain. It is his duty alone to state their existence, with the powerful influence that attended them, and to ask from his country, that, all prejudices laid aside, the illustrious object of his labours may come before them, in that cloudless mirror, wherein posterity will examine the fathers of our country.

THOMAS JEFFERSON was descended from a family, which had been long settled in his native province of Virginia. His ancestors had emigrated thither at an early period; and although bringing with them, so far as is known, no fortune beyond that zeal and enterprise which are more than useful to adventurers in a new and unknown country, and no rank beyond a name, which was free from dishonour; they had a standing in the community highly respectable, and lived in circumstances of considerable affluence. His father, Peter Jefferson, was a gentleman well known in the province. He was appointed in the year 1747, one of the commissioners for determining the division line, between Virginia and North Carolina, an office which would seem to indicate at once considerable scientific knowledge, and that integrity, firmness, and discernment, which are so peculiarly necessary in settling the boundaries between small but independent territories.

Thomas Jefferson was born on the second day of April, (O. S.) 1743, at Shadwell, in Albemarle county, Virginia, and on the death of his father, succeeded [to an ample and unembarrassed fortune. But little is known of the incidents of his early life, and the biographer is entirely destitute of those anecdotes of youth which are so often remembered and recorded, pointing out, as they seem to do, the latent sparks of genius, and foretelling the career of future usefulness and

honour. We first hear of him as a student in the college of William and Mary, at Williamsburg, and then, ignorant of his success on the youthful arena of literary fame, find him a student of law, under a master whose talents and virtue, may have offered a model for his succeeding life, the celebrated George Wythe, afterwards chancellor of the state of Virginia. With this gentleman he was united, not merely by the ties of professional connexion, but by a congeniality of feeling, and similarity of views, alike honourable to them both; the friendship formed in youth was cemented and strengthened by age, and when the venerable preceptor closed his life, in 1806, he bequeathed his library and philosophical apparatus to a pupil and friend, who had already proved himself worthy of his instruction and regard.

Mr. Jefferson was called to the bar in the year 1766; and pursued the practice of his profession, with zeal and success. In the short period during which he continued to devote himself to it, without the interruption of political objects, he acquired very considerable reputation, and there still exists a monument of his early labour and useful talents, in a volume of Reports of adjudged cases in the supreme courts of Virginia, compiled and digested, amid the engagements of active professional occupation.

But he came into life at a period, when those who possessed the confidence of their fellow citizens, and the energy and talents requisite for public life, were not long permitted to remain in a private station, and pursue their ordinary affairs; he was soon called to embark in a career of more extensive usefulness, and to aim at higher objects—*ingenium illustre altioribus studiis juvenis admodum dedit, quo firmior adversus fortuita rempublicam capesseret.* We find him accordingly,

as early as the year 1769, a distinguished member of the legislature of Virginia, associated with men, whose names are inscribed among the first and most determined champions of our rights. Ever since the year 1763, a spirit of opposition to the British government, had been gradually arising in the province, and this spirit was more and more increased, by the arbitrary measures of the mother country, which seemed to be the offsprings of rashness and folly, singularly extraordinary. The attachment to England was, indeed, considerable in all the colonies, and in Virginia it was more than usually strong ; many of the principal families of the province were connected with it by the closest ties of consanguinity ; the young men of promise, were sent thither to complete their education in its colleges ; and by many, and those not the least patriotic, it was fondly looked to as their *home*. To sever this connexion, one would suppose to be a work of no ordinary facility ; yet such was the rash course pursued by the British ministry, that a very brief space was sufficient, to dissolve in every breast that glowed with national feeling, the ties which had been formed by blood, by time, and by policy ; a very short experience was enough to convince every mind, conversant with the political history of the world, and able to weigh, amid the tumult of the times, the probable chances of successful resistance, with the miseries of submission or defeat, that there was no hazard too great to be encountered, for the establishment of institutions, which would secure the country from a repetition of insults that could only end in the most abject slavery. It will not be doubted, that Mr. Jefferson was among the first to perceive the only course that could be adopted ; his own expressive language portrays at once the sufferings of the country, and the necessity of resistance.

“The colonies” he says, in alluding to this period, “were taxed internally and externally ; their essential interests sacrificed to individuals in Great Britain ; their legislatures suspended ; charters annulled ; trials by juries taken away ; their persons subjected to transportation across the Atlantic, and to trial by foreign judicatories ; their supplications for redress thought beneath answer ; themselves published as cowards in the councils of their mother country and courts of Europe ; armed troops sent amongst them to enforce submission to these violences ; and actual hostilities commenced against them. No alternative was presented, but resistance or unconditional submission. Between these there could be no hesitation. They closed in the appeal to arms.”

On the first of January, 1772, Mr. Jefferson married the daughter of Mr. Wayles, an eminent lawyer of Virginia ; an alliance by which he at once gained an accession of strength and credit ; and secured in the intervals of public business, (which indeed were few) the domestic happiness he was so well fitted to partake and to enjoy. Its duration, however, was but short ; in little more than ten years, death deprived him of his wife, and left him the sole guardian of two infant daughters, to whose education he devoted himself with a constancy and zeal, which might in some degree compensate for the want of a mother’s care and instruction.

On the twelfth of March, 1773, Mr. Jefferson was appointed a member of the first committee of correspondence, established by the colonial legislatures ; an act already alluded to as one of the most important of the revolution, having paved the way for that union of action and sentiment, whence arose the first effective resistance, and on which depended the successful conduct and final triumph of the cause.

The year 1774, found Mr. Jefferson still an active member of the legislature of Virginia. The passage of the Boston port act, and the bills which immediately followed it, had filled up the measure of insult and oppression. The private property of all was to be sacrificed for the public conduct of a few; the faith of charters was unhesitatingly violated; and personal liberty and life itself were destroyed, without resort to the common forms of justice, and without redress. At this crisis, Mr. Jefferson wrote and published his "Summary view of the rights of British America;" having devoted to its composition all the leisure he could obtain from the labours of his public situation; although these had become by this time, from his active and energetic character, extremely arduous.

This pamphlet he addressed to the king, as the chief officer of the people, appointed by the laws and circumscribed with definitive power, to assist in working the great machine of government, erected for their use, and consequently subject to their superintendence. He reminded him, that our ancestors had been British freemen, that they had acquired their settlements here, at their own expense and blood; that it was for themselves they fought, for themselves they conquered, and for themselves alone, they had a right to hold. That they had indeed thought proper to adopt the same system of laws, under which they had hitherto lived, and to unite themselves under a common sovereign; but that no act of theirs had ever given a title to that authority, which the British parliament arrogated. That the crown had unjustly commenced its encroachments, by distributing the settlements among its favourites, and the followers of its fortunes; that it then proceeded to abridge the free trade, which the colonies possessed as of natural right, with all parts of

the world ; and that afterwards offices were established of little use, but to accommodate the ministers and favourites of the crown. That during the reign of the sovereign whom he immediately addressed, the violation of rights had increased in rapid and bold succession ; being no longer single acts of tyranny, that might be ascribed to the accidental opinion of a day ; but a series of oppressions, pursued so unalterably through every change of ministers, as to prove too plainly a deliberate and systematical plan, of reducing the colonies to slavery. He next proceeds, in a style of the boldest invective, to point out the several acts by which this plan had been enforced, and enters against them a solemn and determined protest. He then considers the conduct of the king, as holding an executive authority in the colonies, and points out, without hesitation, his deviation from the line of duty ; he asserts, that by the unjust exercise of his negative power, he had rejected laws of the most salutary tendency ; that he had defeated repeated attempts to stop the slave trade and abolish slavery ; thus preferring the immediate advantages of a few African corsairs, to the lasting interests of America, and to the rights of human nature, deeply wounded by this infamous practice. That inattentive to the necessities of his people, he had neglected for years, the laws which were sent for his inspection. And that assuming a power, for advising the exercise of which, the English judges in a former reign had suffered death as traitors to their country, he had dissolved the representative assemblies, and refused to call others. That to enforce these, and other arbitrary measures, he had from time to time sent over large bodies of armed men, not made up of the people here, nor raised by the authority of their laws. That to render these proceedings still more criminal, instead of sub-

jecting the military to the civil powers, he had expressly made the latter subordinate to the former. That these grievances were thus laid before their sovereign, with that freedom of language and sentiment which became a free people, whom flattery would ill beseeem, when asserting the rights of human nature ; and who knew nor feared to say, that kings are the servants, not the proprietors of the people.

In these sentiments, bold as they were, his political associates united with him ; they considered that which was nominally directed against the colonies of New England alone, equally an attack on the liberties and rights of every other province. They resolved that the first of June, the day on which the operation of the Boston port bill was to commence, should be set apart by the members, as a day of fasting, humiliation and prayer ; “devoutly to implore the divine interposition, for averting the heavy calamities which threatened destruction to their civil rights, and the evils of a civil war ; and to give them one heart and one mind, to oppose, by all just and proper means, every injury to American rights.”

Such proceedings greatly exasperated lord Dunmore, the royal governor of the province. He threatened a prosecution for high treason against Mr. Jefferson, who boldly avowed himself the author of the obnoxious pamphlet, and dissolved the house of burgesses, immediately after the publication of their resolution. Notwithstanding these arbitrary measures, the members met in their private capacities, and mutually signed a spirited declaration, wherein they set forth the unjust conduct of the governor, which had left them this, the only method, to point out to their countrymen, the measures they deemed the best fitted to secure their rights and liberties from destruction, by the heavy hand of power. They told

them, that they could no longer resist the conviction, that a determined system had been formed to reduce the inhabitants of British America to slavery, by subjecting them to taxation without their consent, by closing the port of Boston, and raising a revenue on tea. They therefore strongly recommended a close alliance with their sister colonies, the formation of committees of correspondence, and the annual meeting of a general congress; earnestly hoping that a persistence in those unconstitutional principles, would not compel them to adopt measures of a character more decisive.

The year 1775, opened in England, with attempts, at once by the friends and the enemies of the colonies, to effect a reconciliation. Perhaps the period had passed away, when success was to be expected, from the efforts of the former; but even an experiment on their plan was not allowed to be made. The house of lords received, with chilling apathy, the proposition submitted by the energy, the patriotism and the experience of the dying Chatham; and the house of commons listened, without conviction, to the well digested plans of Mr. Burke, brought forward as they were, with an eloquence unequalled perhaps in the records of any age or country, and supported by that intuitive quickness of perception, that astonishing correctness of foresight, which so often marked his political predictions.

The ministry were determined that the reconciliation, if indeed they ever sincerely wished for one, should proceed from themselves, and be made on' their own terms; they offered that so long as the colonial legislatures should contribute a fair proportion for the common defence, and for the support of the civil government, no tax should be laid by parliament; but that the amount raised by these means, should be disposable by that body. This proposition, bear-

ing indeed some semblance of conciliation, but in fact yielding no single point of that arbitrary system which Great Britain had chosen to adopt, was carried by a large majority, and sent to the governors of the several colonies, with directions to lay it before the respective legislatures. It was at least hoped, that if the scheme did not finally succeed, it might produce disunion or discontent.

On the first of June, 1775, lord Dunmore presented to the legislature of Virginia, the resolution of the British parliament. It was referred immediately to a committee, and Mr. Jefferson was selected to frame the reply. This task he performed with so much strength of argument, enlightened patriotism, and sound political discretion, that the document has been ever considered, as a state paper of the highest order. It is found in most of the histories of that period, and for a work like this, it may be sufficient merely to give the sentence, with which he concludes a series of propositions and an array of facts, alike unanswered and unanswerable.

“These, my lord, are our sentiments on this important subject, which we offer only as an individual part of the whole empire. Final determination we leave to the general congress now sitting, before whom we shall lay the papers your lordship has communicated to us. For ourselves, we have exhausted every mode of application, which our invention could suggest as proper and promising. We have decently remonstrated with parliament, they have added new injuries to the old; we have wearied our king with supplications, he has not deigned to answer us; we have appealed to the native honour and justice of the British nation, their efforts in our favour have hitherto been ineffectual. What then remains to be done? That we commit our injuries to the even handed justice of that Being who doth no wrong,

earnestly beseeching Him to illuminate the councils, and prosper the endeavours of those to whom America hath confided her hopes ; that through their wise directions, we may again see reunited the blessings of liberty, prosperity, and harmony with Great Britain."

Mr. Jefferson had been elected, on the twenty-seventh of March, 1775, one of the members to represent Virginia, in the general congress of the confederated colonies, already assembled at Philadelphia. When about to leave the colony, a circumstance is said to have occurred to him, and to Mr. Harrison and Mr. Lee, his fellow delegates, that conveyed a noble mark of the unbounded confidence, which their constituents reposed in their integrity and virtue. A portion of the inhabitants, who, far removed from the scenes of actual tyranny, which were acted in New England, and pursuing uninterruptedly their ordinary pursuits, could form no idea of the slavery impending over them, waited on their three representatives, just before their departure, and addressed them in the following terms :

"You assert that there is a fixed design to invade our rights and privileges ; we own that we do not see this clearly, but since you assure us that it is so, we believe the fact. We are about to take a very dangerous step ; but we confide in you, and are ready to support you in every measure you shall think proper to adopt."

On Wednesday, the twenty-first of June, 1775, Mr. Jefferson appeared and took his seat in the continental congress ; and it was not long before he became conspicuous among those, most distinguished by their abilities and ardour. In a few days after his arrival, he was made a member of a committee appointed to draw up a declaration, setting forth the causes and necessity of resorting to arms ; a task, which,

like all the other addresses of this congress, was executed with singular ability, and in which it is more than probable, the Virginia delegate took no inconsiderable part.

In July, the resolution of the house of commons for conciliating the colonies, which had been presented to the different legislatures, and to which, as we have already related, Mr. Jefferson had framed the reply of Virginia, was laid before congress. He was immediately named a member of the committee to whom it was referred, and in a few days a report was presented embracing the same general views as his own, and repeating that the neglect with which all our overtures were received, had destroyed every hope, but that of reliance on our own exertions.

On the eleventh of August, Mr. Jefferson was again elected a delegate from Virginia, to the third congress. During the winter, his name appears very frequently on the journals of that assembly, and we find him constantly taking an active part in the principal matters which engaged its attention. He was a member of various committees, but from the information to be obtained on the records of congress, and it is but scanty, his attention seems rather to have been devoted to objects of general policy, the arrangement of general plans and systems of action, the investigation of important documents, and objects of a similar nature, than to the details of active business for which other members could probably be found, equally well qualified.

With the commencement of the year 1776, the affairs of the colonies, and certainly the views of their political leaders, began to assume a new aspect, one of more energy, and with motives and objects more decided and apparent. Eighteen months had passed away, since the colonists had learned by

the entrenchments at Boston, that a resort to arms was an event, not beyond the contemplation of the British ministry ; nearly a year had elapsed, since the fields of Concord and Lexington had been stained with hostile blood ; during this interval, armies had been raised, vessels of war had been equipped, fortifications had been erected, gallant exploits had been performed, and eventful battles had been lost and won ; yet still were the provinces bound to their British brethren, by the ties of a similar allegiance ; still did they look upon themselves as members of the same empire, subjects of the same sovereign, and partners in the same constitution and laws. They acknowledged, that the measures they had adopted were not the result of choice, but the exercise of a right if not a duty, resulting from this very situation ; they confessed that they were engaged in a controversy peculiarly abhorrent to their affections, of which the only object was to restore the harmony formerly existing between the two countries, and to establish it on so firm a basis, as to perpetuate its blessings, uninterrupted by any future dissensions, to succeeding generations in both nations.

There is indeed among all men a natural reluctance to throw off those habits, we may say principles, to which they have become attached, by education and long usage—there is an uncertainty always hanging over the future, that makes us dread to explore it, in search of an expected but uncertain good—and we seem rather willing to wait until fortune or time shall afford a remedy, than to seek it by boldly grasping at that, which although bright and beautiful in appearance, can be reached only with toil and danger, and may prove at last a phantom. A revolution, however just in its principles, however plausible in its conduct, however pure in its ends, cannot be but uncertain in its results ; and though even the

thinking and the good will not hesitate, when no other means are left to preserve those rights, without which happiness is only a name, they will resort to it as the last resource, after every other expedient has been tried, after long suffering, with hesitation, almost with regret.

Every expedient, however, short of unconditional separation, had now been tried by congress—but in vain. It appeared worse than useless, longer to pursue measures of open hostility, and yet to hold out the promises of reconciliation. The time had arrived when a more decided stand must be taken—the circumstances of the nation demanded it, the success of the struggle depended on it. The best and wisest men had become convinced, that no accommodation could take place, and that a course which was not marked by decision would create dissatisfaction among the resolute, while it would render more uncertain the feeble and the wavering.

During the spring of 1776, therefore, the question of independence became one of very general interest and reflection among all classes of the nation. It was taken into consideration by some of the colonial legislatures, and in Virginia a resolution was adopted in favour of its immediate declaration.

Under these circumstances, the subject was brought directly before congress, on Friday, the seventh of June, 1776. It was discussed very fully on the following Saturday and Monday, and we have already mentioned, that after the debate they came to the determination to postpone the further consideration of it until the first of July following. In the mean while, however, that no time might be lost, in case the congress should agree thereto, a committee was appointed to prepare a declaration, “That these United Colonies are, and of right ought to be, free and independent states ; that they are absolved from

all allegiance to the British crown ; and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved."

This committee consisted of Mr. Jefferson, Mr. J. Adams, Mr. Franklin, Mr. Sherman, and Mr. R. R. Livingston; and to Mr. Jefferson, the chairman of the committee, was ultimately assigned the important duty of preparing the draught of the document, for the formation of which they had been appointed.

The task thus devolved on Mr. Jefferson, was of no ordinary magnitude ; and required the exercise of no common judgment and foresight. The act was one, which in its results, would operate far beyond the effects of the moment ; and which was to indicate, in no small degree, the future tone of feeling, and the great course of policy that were to direct the movements of a new and extensive empire. Yet it was on all hands surrounded with difficulty and danger—clouds and darkness rested on the future—and without experience, without resources, and without friends, they were entering on a wide field, with nought but providence for their guide. Even the feelings of the nation, the very feelings which prompted the act, were to be examined with caution and relied on with distrust, for how much soever they might be the primary cause, and however powerfully they might exist at the moment, their effect would have ceased, and their operation would be unknown, at that period when the principles they had called forth would be in full exercise. Yet all this caution and distrust was to be exerted, amid the excitement of passion, the fluctuation of public opinion, and the headstrong impetuosity, which made the people, whose act it purported to be, blind to every thing but their own wrongs, and the deepest emotions of exasperation and revenge.

It was an act which at once involved the dearest and most vital interests of the whole people. It overturned systems of government long established, and sacrificed a trade, already amounting annually to more than twenty millions of dollars. By it the whole nation was to stand or fall ; it was a step that could not be retraced ; a pledge involving the lives, the fortunes, and the honour of thousands, which must be redeemed at the deepest cost of blood and treasure ; it was a measure, supposed to be viewed unfavourably by a very large proportion of those whose interests and happiness were concerned in it, and, as such, a want of prudence in its conduct, as well as of success in its end, would be attended with even more than ridicule or disgrace.

Nor was it in America alone, that its effects would be felt ; it was a document to guide other nations in their course of policy, to turn their attention to our situation, in which there was nothing to dazzle and little to interest, and to bring them if possible into our alliance. As such, it would become a matter of deep reflection by prudent, if not unfeeling statesmen, far removed from the scene of action ; looking upon it without passion ; and forming from it their opinions of our character, and the reliance that might be placed on us. In a word, while it purported to be, as it was, the offspring of injuries unatoned for, and rights wantonly violated, it was to bear the marks of calm heroic devotion, and to show us ardent in the pursuit and preservation of our rights, but cool and deliberate in our plans, slow in undertaking that which was attended with uncertainty and danger, but, once convinced of its necessity, undeviating in our course, and fixed on the object of pursuit.

It presented indeed to the consideration of the world, an object of greater magnitude than had for ages engaged its

attention. It was no question of insulted flags, or violated boundaries ; no matter to be traced through the labyrinths of diplomacy, or to be settled by the rules of court etiquette. It was not the manifesto of an ambitious sovereign, who proclaims to the world in loud and haughty language, a long catalogue of imaginary grievances, to form a pretext for the violation of plighted faith, and the last resort to arms. But it was the manly declaration of indignant suffering ; the result of injury protracted beyond endurance ; the just appeal to the only remedy that was left, after every milder method had been tried in vain.

To frame such a document, was the effort of no common mind. That of Mr. Jefferson proved fully equal to the task. His labours received the immediate approbation and sanction of the committee ; and their opinion has been confirmed by the testimony of succeeding years, and of every nation where it has been known.

On the twenty-eighth of June the Declaration of Independence was presented to congress, and read ; on the first, second, and third of July it was taken into very full consideration ; and on the fourth, it was agreed to after several alterations and considerable omissions had been made in the draught, as it was first framed by the committee.

The declaration in its original form, compared with that which was subsequently given to the world, is a document of much interest, and seems indeed so peculiarly proper to be inserted in a memoir of its illustrious author, that we subjoin it ; marking in italics the words which were erased by congress, and introducing between brackets, the additions and substitutions that were made before it received the final sanction of that assembly. It is as follows.

“When in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the laws of nature and of nature’s God entitle them, a decent respect to the opinions of mankind, requires that they should declare the causes which impel them to the separation.

“We hold these truths to be self evident—that all men are created equal ; that they are endowed by their creator with [certain] *inherent and* unalienable rights ; that amongst these are life, liberty, and the pursuit of happiness ; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed ; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established, should not be changed for light and transient causes ; and accordingly, all experience hath shown, that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, *begun at a distant period and* pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards to their future security. Such has been the patient sufferance of these colonies ; and such is now the necessity which constrains them to [alter] *expunge* their former systems of government.

“The history of the present king of Great Britain is a history of [repeated] *unremitting* injuries and usurpations, *among which appears no solitary fact to contradict the uniform tenor of the rest ; but all have* [all having,] in direct object, the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world, *for the truth of which we pledge a faith yet unsullied by falsehood.*

“He has refused his assent to laws the most wholesome and necessary for the public good.

“He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained ; and when so suspended, he has utterly neglected to attend to them.

“He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, and formidable to tyrants only.

“He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

“He has dissolved representative houses repeatedly *and continually*, for opposing with manly firmness his invasions on the rights of the people.

“He has refused, for a long time after such dissolutions, to cause others to be elected ; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise ; the state remaining in the mean time exposed to all the danger of invasion from without, and convulsions within.

“He has endeavoured to prevent the population of these states ; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

“He has *suffered* [obstructed] the administration of justice *totally to cease in some of these states*, [by] refusing his assent to laws for establishing judiciary powers.

“He has made *our* judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

“He has erected a multitude of new offices, *by a self assumed power*, and sent hither swarms of officers to harass our people, and eat out their substance.

“He has kept among us in times of peace, standing armies *and ships of war*, without the consent of our legislatures.

“He has affected to render the military independent of and superior to the civil power.

“He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws ; giving his assent to their acts of pretended legislation :

“For quartering large bodies of armed troops among us :

“For protecting them, by mock trial, from punishment for any murders which they should commit on the inhabitants of these states :

“For cutting off our trade with all parts of the world :

“For imposing taxes on us without our consent :

“For depriving us, [in many cases,] of the benefits of trial by jury :

“For transporting us beyond seas to be tried for pretended offences :

“For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these *states* [colonies:]

“For taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments :

“For suspending our own legislatures, and declaring themselves invested with power to legislate for us, in all cases whatever :

“He has abdicated government here, *withdrawing his governors, and* [by] declaring us out of his [allegiance and] protection, [and waging war against us:]

“He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people :

“He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy, [scarcely paralleled in the most barbarous ages, and] totally unworthy the head of a civilized nation.

“*He has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions of existence.*

“*He has incited treasonable insurrections of our fellow citizens, with the allurements of forfeiture and confiscation of our property.*

“*He has constrained others, taken captives on the high seas, to bear arms against their country, to become the executioners*

of their friends and brethren, or to fall themselves by their hands.

“[He has constrained our fellow citizens taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.]

“[He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.]

“He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people, who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the approbrium of infidel powers, is the warfare of a christian king of Great Britain. Determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or restrain this execrable commerce; and that this assemblage of horrors might want no fact of distinguished dye, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people upon whom he also obtruded them; thus paying off former crimes committed against the liberties of one people, with crimes which he urges them to commit against the lives of another.

“In every stage of these oppressions, we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injury. A prince

whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a [free] people *who mean to be free. Future ages will scarce believe that the hardiness of one man adventured, within the short compass of twelve years only, to build a foundation so broad and undisguised, for tyranny over a people fostered and fixed in principles of freedom.*

“Nor have we been wanting in attentions to our British brethren. We have warned them from time to time, of attempts by their legislature *to extend a jurisdiction over these our states*, [to extend an unwarrantable jurisdiction over us.] We have reminded them of the circumstances of our emigration and settlement here, *no one of which could warrant so strange a pretension: that these were effected at the expense of our own blood and treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league and amity with them: but that submission to their parliament was no part of our constitution, nor ever in idea, if history may be credited; and we [have] appealed to their native justice and magnanimity, as well as to [and we have conjured them by] the ties of our common kindred, to disavow these usurpations, which were likely to [would inevitably] interrupt our connexions and correspondence. They too, have been deaf to the voice of justice and of consanguinity; and when occasions have been given them by the regular course of their laws, of removing from their councils, the disturbers of our harmony, they have by their free election re-established them in power. At this very time too, they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch and foreign mercenaries to*

invade and destroy us. These facts have given the last stab to agonizing affection; and manly spirit bids us to renounce forever these unfeeling brethren. We must endeavour to forget our former love for them, and to hold them as we hold the rest of mankind, enemies in war, in peace friends. We might have been a free and a great people together; but a communication of grandeur and of freedom it seems, is below their dignity. Be it so, since they will have it. The road to happiness and to glory is open to us too: we will climb it apart from them, and acquiesce in the necessity which denounces our eternal separation. [We must therefore acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.]

“We, therefore, the representatives of the UNITED STATES OF AMERICA, IN GENERAL CONGRESS ASSEMBLED, [appealing to the supreme judge of the world for the rectitude of our intentions] do in the name, and by the authority of the good people of these *states* [colonies,] *reject and renounce all allegiance and subjection to the kings of Great Britain, and all others, who may hereafter claim by, through, or under them; we utterly dissolve all political connexion which may heretofore have subsisted between us and the parliament of Great Britain; and finally we do assert* [solemnly publish and declare] that these United Colonies are, [and of right ought to be,] free and independent states; [that they are absolved from all allegiance to the British crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved,] and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this Declaration, [with

a firm reliance on DIVINE PROVIDENCE,] we mutually pledge to each other, our lives, our fortunes, and our sacred honour."

It has been mentioned in the life of Richard Henry Lee, that, as the original mover of the resolution for independence, the usage of deliberative assemblies would have assigned to him, the duty of preparing the declaration, had he not been absent. This circumstance, united with a feeling of true regard, and a long co-operation in bringing about the great result, induced Mr. Jefferson to send Mr. Lee a copy of the original draught as well as of the amendments made by congress; these he accompanied with a letter, dated the eighth of July, 1776, in which he says :

" Dear Sir—For news, I refer you to your brother, who writes on that head. I enclose you a copy of the Declaration of Independence, as agreed to by the house, and also as originally framed : you will judge whether it is the better or worse for the critics. I shall return to Virginia after the eleventh of August. I wish my successor may be certain to come before that time : in that case, I shall hope to see you, and not Wythe, in convention, that the business of government, which is of everlasting concern, may receive your aid. Adieu, and believe me to be, &c."

During the summer of this year, 1776, Mr. Jefferson took an active part in the deliberations and business of congress; his name appears on the journals of the house very often, and he was a member of several highly important committees. Being obliged however to return to Virginia, he was during his absence appointed, in conjunction with Dr. Franklin and Mr. Deane, a commissioner to the court of France, for

the purpose of arranging with that nation a measure, now become of vital necessity, the formation of treaties of alliance and commerce. But owing at once to his ill health, the situation of his family, and the embarrassed position of public affairs, especially in his own state, he was convinced that to remain in America, would be more useful than to go abroad ; and in a letter to congress of the eleventh of October, he declined the appointment.

From this period, during the remainder of the revolutionary war, Mr. Jefferson chiefly devoted himself to the service of his own state. In June he had been a third time elected a delegate to congress, but in October following, he resigned his situation in that body, and was succeeded by Benjamin Harrison. The object which now chiefly engaged him was the improvement of the civil government of Virginia. In May preceding, immediately on the disorganization of the colonial system, the convention assembled at Williamsburg, had turned their attention to the formation of a new plan of government ; and with a haste, which bespeaks rather the ardour of a zealous and oppressed people for the assertion of their own rights, than the calmness and deliberation that should attend an act, in which their future welfare was so deeply involved, they adopted their constitution in the following month. Mr. Jefferson was at this time absent in Philadelphia, a delegate to congress ; foreseeing the inevitable result of the contest between the colonies and the mother country, he had for a long while devoted much reflection and research to maturing a plan for a new government, and had already formed one, on the purest principles of republicanism. This draught he transmitted to the convention ; but unfortunately, the one that they had hastily framed, had received a final vote on the day it reached Williams-

burg. The debate had already been ardent and protracted, the members were wearied and exhausted, and after making a few alterations, and adopting entire the masterly preamble which Mr. Jefferson had prefixed, it was thought expedient for the present to adhere to the original plan, imperfect as on all hands it was acknowledged to be.

The extremes of right and wrong are said very closely to approach each other. An incident in the political history of Virginia, does not invalidate the maxim. In June, this constitution had been adopted, breathing in every article the most vehement spirit of equal rights, and established on the downfall of arbitrary rule. In the following December, a serious proposition was made to establish a dictator, “invested with every power, legislative, executive, and judiciary, civil and military, of life and of death, over our persons and over our properties.” To the wise and good of every party, such a scheme could not but appear as absurd as it was dangerous. In Mr. Jefferson it found a ready and successful opponent at the time, and he has devoted to its consideration and censure, a few pages of his later works.

A wiser plan was adopted to relieve the state from its difficulties, by a careful revision of its laws. A commission was appointed for this purpose, consisting of Thomas Jefferson, Edmund Pendleton, George Wythe, George Mason, and Thomas Ludwell Lee, who employed themselves zealously in their task, from the commencement of the year 1777, to the middle of 1779. In that period it is said, their industry and zeal prepared no less than one hundred and twenty-six bills, from which are derived all the most liberal features of the existing laws of the commonwealth. The method they pursued was marked with prudence and intelligence. It is thus described by Mr. Jefferson himself.

“ The plan of the revisal was this. The common law of England, by which is meant that part of the English law which was anterior to the date of the oldest statutes extant, is made the basis of the work. It was thought dangerous to attempt to reduce it to a text : it was therefore left to be collected from the usual monuments of it. Necessary alterations in that, and so much of the whole body of the British statutes, and of acts of assembly, as were thought proper to be retained, were digested into a hundred and twenty-six new acts, in which simplicity of style was aimed at, as far as was safe.”

In the account which Mr. Jefferson has given of this revisal of the laws of Virginia, he has, with the modesty of true greatness, suppressed every word which could indicate his own participation in an employment so highly honourable. But it is the duty of those who record the actions of the great, to point out that which their own modesty would conceal. Of the five commissioners, two, George Mason and Thomas Ludwell Lee, took no part in the execution of the task, except in a consultative meeting preliminary to the assignment of the respective portions of the duty to the three others. As regards Mr. Jefferson it should be mentioned, that in addition to the prominent and laborious share which he undertook in the general revision, Virginia owes to his enlightened mind alone, the most important and beneficial changes in her code. The laws forbidding the future importation of slaves ; converting estates tail into fees simple ; annulling the rights of primogeniture ; establishing schools for general education ; sanctioning the right of expatriation ; and confirming the rights of freedom in religious opinion, were all introduced by him, and were adopted at the time they were first proposed, or at a subsequent period ; in addi-

tion to these, he brought forward a law proportioning crimes and punishments, which was afterwards passed under a different modification.

To enter into the details of these laws, would lead us from the object as it would far exceed the limits of this slight sketch; yet to the lawyer and politician, they may be recommended as containing many invaluable lessons in legal and political science, and to those who have been accustomed to view this great statesman rather as author the of ingenious theories, than a lawgiver skilled in the practical details of government, and the useful application of laws to the great exigencies of civil society, they will speak more than the most laboured panegyric.

Nor was it in public duties alone that Mr. Jefferson was employed; with a zeal alike honourable and useful, he devoted his attention to the personal welfare of those of the enemy, whom the chances of war had placed within his reach. It will be recollected, that congress had deemed it prudent to retain in America, the troops who had surrendered at Saratoga, until an authentic ratification of the convention, entered into by the British general, should be obtained from his government. In the mean time it was thought expedient, to remove them into the interior of the country, and the neighbourhood of Charlottesville, in Virginia, was selected as the place of their destination.

There they arrived early in the year 1779. The winter was uncommonly severe; the barracks unfinished for want of labourers; no sufficient stores of bread laid in; and the roads rendered impassable by the inclemency of the weather, and the number of wagons, which had lately traversed them. Mr. Jefferson, aided by Mr. Hawkins the commissary general, and the benevolent dispositions of his fellow citizens,

adopted every plan to alleviate the distresses of the troops, and to soften as much as possible the hardships of captivity. Their efforts were attended with success. The officers who were able to command money, rented houses and small farms in the neighbourhood, while the soldiers enlarged the barracks and improved their accommodations, so as in a short time to form a little community, flourishing and happy. These arrangements had scarcely been completed, when, in consequence of some powers lodged in them by congress, the governor and council of Virginia determined to remove the prisoners to another part of the state; this intention was heard by the captives themselves with distress, and by those amongst whom they were settled, with regret. Mr. Jefferson immediately addressed a letter to governor Henry, in which he stated in strong and glowing language, the impolicy and impropriety of such a measure. His appeal was successful, and the troops were permitted to remain. Indeed his hospitality and generous politeness to these unfortunate strangers, was such as to secure their lasting friendship and esteem. From them he received many letters, expressing the warmth of their attachment and gratitude; and in his subsequent travels through Europe, when chance again threw him into their society, they loaded him with civility and kindness, and spoke to their countrymen in warm terms of the hospitality of Virginia. When about to leave Charlottesville, the principal officers wrote to him, to renew their thanks, and to bid him adieu; the answer of Mr. Jefferson to one of them has been preserved. "The little attentions," he says, "you are pleased to magnify so much, never deserved a mention or a thought. Opposed as we happen to be in our sentiments of duty and honour, and anxious for contrary events, I shall, nevertheless, sincerely rejoice in every circumstance of happiness and safety which may

attend you personally." To another of them he thus wrote : " The very small amusements which it has been in my power to furnish, in order to lighten your heavy hours, by no means merited the acknowledgments you make. Their impression must be ascribed to your extreme sensibility rather than to their own weight. When the course of events shall have removed you to distant scenes of action, where laurels not moistened with the blood of my country, may be gathered, I shall urge my sincere prayers for your obtaining every honour and preferment which may gladden the heart of a soldier. On the other hand, should your fondness for philosophy resume its merited ascendancy, is it impossible to hope that this unexplored country may tempt your residence, by holding out materials wherewith to build a fame, founded on the happiness, and not on the calamities of human nature? Be this as it may, a philosopher or a soldier, I wish you personally many felicities."

On the first of June, 1779, the term for which Mr. Henry, the first republican governor of Virginia, had been chosen, having expired, Mr. Jefferson was elected to fill that office. The time was one at which its duties had become arduous and difficult; it was at that period of the war, when the British government, exasperated by the long protraction of hostilities, and goaded by their continual defeats, had increased the usual horrors of warfare, by the persecution of the wretched prisoners who fell into their hands. The governor of Virginia, among others, promptly expressed his determination to adopt, as the only resource against a system of warfare so barbarous and unheard of, a retaliation on the British prisoners in his power. "I shall give immediate orders," he says, in a letter to general Washington, "for having in readiness every engine, which the enemy have

contrived for the destruction of our unhappy citizens, captivated by them. The presentiment of these operations is shocking beyond expression. I pray heaven to avert them; but nothing in this world will do with such an enemy but proper firmness and decision!" This course, for a short time, produced on the part of the enemy an excess of cruelty, especially against the officers and soldiers of Virginia; it was, however, without avail; the measure was the last resort, brought on by a long course of unfeeling conduct, and the only remedy that was left. "There is nothing" said the governor in a letter to one of the prisoners, "you may be assured, consistent with the honour of your country, which we shall not at all times, be ready to do for the relief of yourself and companions in captivity. We know that ardent spirit and hatred for tyranny, which brought you into your present situation, will enable you to bear against it with the firmness which has distinguished you as a soldier, and to look forward with pleasure to the day when events shall take place, against which the wounded pride of your enemies will find no comfort, even from reflections on the most refined of the cruelties with which they have glutted themselves." The policy of the measure was proved by its ultimate success; and the British government, when taught by experience, acknowledged the correctness of a principle they had refused to listen to, when urged only by the dictates of humanity and the usages of civilized society.

In the year 1780, Virginia, which had hitherto been distant from the seat of actual warfare, was threatened with invasion from the south. In the spring, the ferocious Tarleton had made his appearance on her southern borders, marking his path with unusual barbarity. Immediately after him, followed the main army under lord Cornwallis. It was

then time for Virginia to exert herself. Troops were rapidly raised and sent off to the south, artillery and ammunition were collected, lines of communication established, and every preparation made to meet the enemy. It is needless to remark, that all the former habits and pursuits of the governor, had been of a kind little likely to fit him for military command ; but aware of the importance of energy and exertion, at such a crisis, he bent his mind to the new task which fortune had thrown upon him, with alacrity and ardour. "Our intelligence from the southward," he writes to general Washington, on the eleventh June, "is most lamentably defective. Though Charleston has now been in the hands of the enemy a month, we hear nothing of their movements, which can be relied upon. Rumours say that they are penetrating northward. To remedy this defect, I shall immediately establish a line of expresses from hence to the neighbourhood of their army, and send thither a sensible, judicious person, to give us information of their movements. This intelligence will, I hope, be conveyed at the rate of one hundred and twenty miles in the twenty-four hours. They set out to their stations to-morrow. I wish it were possible that a like speedy line of communication could be formed, from hence to your excellency's head quarters. Perfect and speedy information of what is passing in the south, might put it in your power perhaps to frame your measures by theirs. There is really nothing to oppose the progress of the enemy northward, but the cautious principle of the military art. North Carolina is without arms. They do not abound with us. Those we have are freely imparted to them ; but such is the state of their resources that they have not been able to move a single musket from this state to theirs. All the wagons we can collect here, have been furnished to the Baron De Kalb,

and are assembled for the march of two thousand five hundred men under general Stevens, of Culpepper, who will move on the nineteenth instant. I have written to congress to hasten supplies of arms and military stores for the southern states, and particularly to aid us with cartridge paper and boxes, the want of which articles, small as they are, renders our stores useless. The want of money cramps every effort. This will be supplied by the most unpalatable of all substitutes, force. Your excellency will readily conceive, that after the loss of one army, our eyes are turned towards the other, and that we comfort ourselves with the hope, that if any aids can be furnished by you, without defeating operations more beneficial to the union, they will be furnished. At the same time, I am happy to find that the wishes of the people go no further, as far as I have an opportunity of learning their sentiments. Could arms be furnished, I think this state and North Carolina would embody from ten to fifteen thousand militia immediately, and more, if necessary. I hope ere long to be able to give you a more certain statement of the enemy's, as well as our own situation."

The legislature, becoming fully aware of their danger, adopted the most vigorous measures for the increase and support of the southern army. They conferred on the governor new and extraordinary powers; and that officer exerted himself in every mode, which ingenuity could suggest, to ward off the approaching danger.

While however all eyes were turned to the south, a sudden attack in another quarter was the more disastrous, as it was the less expected.

Arnold, whose treachery seems to have increased the natural daring and recklessness of his temper, aware of the unprotected situation of Virginia on the sea board, formed a

plan for an attack on that quarter. He set sail from New York, with sixteen hundred men, and supported by a number of armed vessels, ascended James river, and landed about fifteen miles below Richmond. All the militia of the state, that could be supplied with arms, had been already called out, and placed in the neighbourhood of Williamsburg, under the orders of general Nelson. This event seemed to leave the governor almost without resource; he saw the enemy, within a few miles of the capital of the state, which was entirely undefended; he collected hastily about two hundred half armed militia, whom he placed under the command of baron Steuben, for the purpose of protecting the removal of the records and military stores across James river; he superintended their movements in person with the utmost zeal, courage, and prudence; and he was seen coolly issuing his orders, until the enemy had actually entered the lower part of the town, and begun to flank it with their light horse.

Although Arnold had thus succeeded in plundering and laying waste the country, the governor determined, if possible, that the traitor should not escape with impunity; he believed that a plan for his capture, prudently formed, and boldly executed, would be attended with success; this scheme he explains in a letter, written to general Muhlenberg, on the thirty-first of January, as follows:

“ Sir,—Acquainted as you are with the treasons of Arnold, I need say nothing for your information, or to give you a proper sentiment of them. You will readily suppose that it is above all things desirable to drag him from those, under whose wing he is now sheltered. On his march to and from this place, I am certain it might have been done with facility, by men of enterprise and firmness. I think it may still be

done, though perhaps not quite so easily. Having peculiar confidence in the men from the western side of the mountains, I meant, as soon as they should come down, to get the enterprise proposed to a chosen number of them, such whose courage and whose fidelity would be above all doubt. Your perfect knowledge of those men personally, and my confidence in your discretion, induce me to ask you to pick from among them, proper characters, in such numbers as you think best, to reveal to them our desire, and engage them to undertake to seize and bring off this greatest of all traitors. Whether this may be best effected by their going in as friends, and awaiting their opportunity, or otherwise, is left to themselves. The smaller the number the better, so that they may be sufficient to manage him. Every necessary caution must be used on their part, to prevent a discovery of their design by the enemy. I will undertake, if they are successful in bringing him off alive, that they shall receive five thousand guineas reward among them; and to men formed for such an enterprise, it must be a great incitement to know that their names will be recorded with glory in history, with those of Vanwert, Paulding and Williams. The enclosed order from Baron Steuben will authorize you to call for, and to dispose of any force you may think necessary to place in readiness, for covering the enterprise and securing the retreat of the party. Mr. Newton, the bearer of this, and to whom its contents are communicated in confidence, will provide men of trust, to go as guides. These may be associated in the enterprise, or not, as you please; but let the point be previously settled, that no difficulty may arise as to the parties entitled to participate in the reward. You know how necessary profound secrecy is in this business, even if it be not undertaken." Men were found without difficulty, bold enough and ready to undertake

this scheme ; but it was rendered unavailing by the cautious prudence of Arnold, who avoided every exposure to such a danger.

Frustrated in this plan, the governor turned his attention to another, on a bolder scale, in which he was to be aided by general Washington and the French fleet. The latter, then at Rhode Island, were to sail immediately for James river, to prevent the escape of the enemy by sea, while a large body of troops should be collected on shore, for the purpose of blockading them, and ultimately compelling a surrender. On the eighth of March, Mr. Jefferson thus writes to the commander in chief : " We have made on our part, every preparation which we were able to make. The militia proposed to operate, will be upwards of four thousand from this state, and one thousand or twelve hundred from Carolina, said to be under general Gregory. The enemy are at this time, in a great measure, blockaded by land, there being a force on the east side of Elizabeth river. They suffer for provisions, as they are afraid to venture far, lest the French squadron should be in the neighbourhood, and come upon them. Were it possible to block up the river, a little time would suffice to reduce them by want and desertions ; and would be more sure in its event than any attempt by storm." The French fleet, however, encountered, on their arrival at the Chesapeake a British squadron of equal, if not superior force, by which they were driven back ; by these means the plan was defeated, and Arnold again escaped.

The disasters of Virginia, and the difficulties of the governor, however, were not yet at an end. Arnold had scarcely left the coast, when Cornwallis entered the state on the southern frontier. Never was a country less prepared to repel invasion ; her troops had been drawn off to distant

quarters, her resources had been exhausted to supply other states, and she was alike destitute of military stores, and of funds to obtain them. The whole burden of affairs, too, had been thrown on the governor; the legislature had hastily adjourned, on the invasion of Arnold in January, to meet again at Charlottesville on the twenty-fourth of May; in the mean time he had no resource, but to make the best of the means which providence had given him, and to depend on that good fortune which had already so often befriended his country, at moments the most gloomy and unpromising. To resist invasion, the militia was his only force; and the resort even to this, was limited by the deficiency of arms. He used every effort, however, to increase its efficacy. When it was sent into the field, he called into service a number of officers who had resigned, or been thrown out of public employment by reductions of continental regiments for want of men, and gave them commands; an expedient, which, together with the aid of the old soldiers scattered in the ranks, produced a sudden and highly useful degree of skill, discipline, and subordination. Men were draughted for the regular regiments, and considerable detachments of the militia were sent to the south, and a number of horses, essentially necessary, were rapidly obtained by an expedient of Mr. Jefferson's. Instead of using a mercenary agency, he wrote to an individual, generally a member of assembly, in each of the counties where they were to be had, to purchase a specified number with the then expiring paper money. This expedient met with a success highly important to the common cause. Nor was it sufficient to protect his own state alone; aid was demanded for the Carolinas, and this, though increasing the destitution and distress at home, was furnished to a very considerable extent. At length, however, exhausted

by her efforts to aid her sister states, almost stripped of arms, without money, and harassed on the east and on the west with formidable invasions, Virginia appeared at last without resource.

In this state of things, the twenty-fourth of May arrived, but it was not until the twenty-eighth that the legislature was formed at Charlottesville, to proceed to business. On that day the governor addressed the following letter to the commander in chief; the general view which it presents of the situation of the state, and the personal feelings of Mr. Jefferson, give it an importance, more than sufficient to compensate for its length.

“I have just been advised,” he writes on the twenty-eighth of May, “that the British have evacuated Petersburg, been joined by a considerable re-enforcement from New York, and crossed James river at Westover. They were, on the twenty-sixth instant, three miles advanced towards Richmond, at which place major general, the Marquis Fayette, lay with three thousand men, regulars and militia; that being the whole number we could arm, until the arrival of the eleven hundred stand of arms from Rhode Island, which are about this time at the place where our public stores are deposited. The whole force of the enemy within this state, from the best intelligence I have been able to get, is, I think, about seven thousand men, including the garrison left at Portsmouth. A number of privateers, which are constantly ravaging the shores of our rivers, prevent us from receiving any aid from the counties lying on navigable waters; and powerful operations meditated against our western frontier, by a joint force of British and Indian savages, have, as your excellency before knew, obliged us to embody between two and three thousand men in that quarter. Your excellency will judge

from this state of things, and from what you know of your own country, what it may probably suffer during the present campaign. Should the enemy be able to obtain no opportunity of annihilating the marquis's army, a small proportion of their force may yet restrain his movements effectually, while the greater part is employed in detachments to waste an unarmed country, and lead the minds of the people to acquiesce under those events, which they see no human power prepared to ward off. We are too far removed from the other scenes of war, to say whether the main force of the enemy be within this state; but I suppose they cannot any where spare so great an army for the operations of the field. Were it possible for this circumstance to justify in your excellency, a determination to lend us your personal aid, it is evident from the universal voice, that the presence of their beloved countryman, whose talents have so long been successfully employed in establishing the freedom of kindred states, to whose person they have still flattered themselves they retained some right, and have ever looked upon as their *dernier resort* in distress; that your appearance among them, I say, would restore full confidence of salvation, and would render them equal to whatever is not impossible. I cannot undertake to foresee and obviate the difficulties which lie in the way of such a resolution. The whole subject is before you, of which I see only detached parts; and your judgment will be formed on a view of the whole. Should the danger of the state, and its consequence to the union, be such as to render it best for the whole, that you should repair to its assistance, the difficulty would then be how to keep men out of the field. I have undertaken to hint this matter to your excellency, not only on my own sense of its importance to us, but at the solicitation of many members of weight in our legislature, which has

not yet assembled to speak its own desires. A few days will bring to me that relief, which the constitution has prepared for those oppressed with the labours of my office; and a long declared resolution of relinquishing it to abler hands, has prepared my way for retirement to a private station; still, as an individual, I should feel the comfortable effects of your presence, and have (what I thought could not have been) an additional motive for that gratitude, esteem, and respect, which I have long felt for your excellency."

On the second of June, the term for which Mr. Jefferson had been elected expired, and he returned to the situation of a private citizen, after having conducted the affairs of his state, through a period of difficulty and danger, without any parallel in its preceding or subsequent history, and with a prudence and energy that might have gained him more fame, had the times been less unpropitious, but which from that very reason have been and will be more appreciated and honoured, in succeeding times.

Two days after his retirement from the government, and when on his estate at Monticello, intelligence was suddenly brought that Tarleton, at the head of two hundred and fifty horse, had left the main army for the purpose of surprising and capturing the members of assembly at Charlottesville. The house had just met, and was about to commence business, when the alarm was given; they had scarcely taken time to adjourn informally, to meet at Staunton on the seventh, when the enemy entered the village, in the confident expectation of an easy prey. The escape was indeed narrow, but no one was taken. In pursuing the legislature, however, the governor was not forgotten; a troop of horse under a captain M'Leod had been despatched to Monticello, fortunately with no better success. The intelligence received at Char-

lottesville was soon conveyed thither, the distance between the two places being very short. Mr. Jefferson immediately ordered a carriage to be in readiness to carry off his family, who, however, breakfasted at leisure with some guests. Soon after breakfast, and when the visitors had left the house, a neighbour rode up in full speed, with the intelligence that a troop of horse was then ascending the hill. Mr. Jefferson now sent off his family, and after a short delay for some indispensable arrangements, mounted his horse, and taking a course through the woods, joined them at the house of a friend, where they dined. It would scarcely be believed by those not acquainted with the fact, that this flight of a single and unarmed man from a troop of cavalry, whose whole legion, too, was within supporting distance, and whose main object was his capture, has been the subject of volumes of reproach, in prose and poetry, serious and sarcastic.

In times of difficulty and danger, it is seldom that the actions of the wisest and the best can escape without censure. Where they are not the marks of malevolence, they are yet dwelt on with morbid distrust by the discontented and the timid; they are contrasted by every speculative reasoner, with the fanciful schemes which his own imagination has suggested; and if they do not chance to be crowned with unexpected success, the failure is attributed to intrinsic weakness, rather than to unavoidable accident. In the preceding pages of this memoir, a rapid, and indeed an insufficient sketch has been recorded of the public acts of Mr. Jefferson, during the singularly eventful period in which he was placed at the head of the government in Virginia. The truth of those facts may be relied on. From them, a reader of the present day, far removed from the bustle and feelings of the times, may form a calm judgment of the principles

and talents of the man, when placed in this station of unexpected difficulty. There is little danger in asserting, that such a judgment will be as favourable to the zeal and talents of the statesman, as it will be honourable to the feelings and patriotism of the man. It would, therefore, seem almost useless to record imputed errors and unfounded charges with regard to him, which have passed into oblivion by the lapse of years, were it not in some degree a duty, not to pass unnoticed, events which, in their own day at least, excited considerable attention.

The meeting of the legislature at Staunton, was attended by several members who had not been present at Richmond, at the period of Arnold's incursion. One of these, Mr. George Nicholas, actuated, it is said, by no unkind feelings, yet it must be acknowledged with a patriotism somewhat too ardent, accused the late governor of great remissness in his measures on that occasion, and moved for an inquiry relative to them. To this, neither Mr. Jefferson nor his friends had the least objection, nor did they make the slightest opposition. The ensuing session of the legislature, was the period fixed for the investigation, but before it arrived, Mr. Nicholas, convinced that the charges were unfounded, in the most honourable and candid manner declined the farther prosecution of the affair. In the mean time, that he might be placed on equal ground for meeting the inquiry, one of the representatives of his county resigned his seat, and Mr. Jefferson was unanimously elected in his place. When the house assembled, no one appeared to bring forward the investigation; he, however, rose in his place, and recapitulating the charges which had been made, stated in brief terms his own justification. His remarks were no sooner

concluded, than the house passed unanimously the following resolution :

“ Resolved, That the sincere thanks of the general assembly, be given to our former governor, Thomas Jefferson, for his impartial, upright, and attentive administration whilst in office. The assembly wish, in the strongest manner, to declare the high opinion they entertain of Mr. Jefferson’s ability, rectitude, and integrity, as chief magistrate of this commonwealth, and mean, by thus publicly avowing their opinion, to obviate and to remove all unmerited censure.”

It is due to Mr. Nicholas to state, that in a publication some time afterwards, he made an honourable acknowledgment of the erroneous views he had entertained on the subject. The same candour has not marked all the opponents of Mr. Jefferson ; but we are not, however, now to learn, that in the violence of political asperity, circumstances long proved, and generally acknowledged to be incorrect, are brought forward with no inconsiderable effrontery, and the mild and virtuous must be content to wait until time has swept away the fabrications and assertions of faction, and confirmed that which is founded in honesty and truth.

Mr. Jefferson has already appeared before us, as a writer of no ordinary talents ; but it has been in one point of view solely, that of a politician. Great as were his skill and knowledge as a statesman, and active as were his labours for the public good, we find him in the year 1781, snatching sufficient leisure, amid the tumult and confusion of politics and war, to compose a work devoted exclusively to science. M. De Marbois, the secretary of the French legation in the United States, at the suggestion it is supposed of

his own court, proposed to Mr. Jefferson a number of questions relative to the state of Virginia, embracing a general view of its geography, natural productions, statistics, government, history, and laws. To these, Mr. Jefferson returned answers full of learning and research; so much so, that the gentleman to whom they were addressed, found it necessary to have a few copies printed in the French language, for the use exclusively, however, of his friends, among whom the work had excited great interest. From one of these copies, a translation was surreptitiously made into English; and this induced Mr. Jefferson at length, in the year 1787, to publish the work himself, under the simple title it still retains, of "Notes on Virginia." The principal charms of this little volume, are the unpretending simplicity of its style, and the variety of its information. After a lapse of more than forty years, we are surprised at the slow advances we have made in the subjects of which it treats; and when we reflect on the wild state of the country at that period, the comparatively narrow bounds within which was contained all of civilization and knowledge, we look with astonishment at the facts, that industry could thus accumulate. Even if the length or nature of this memoir would permit it, it seems hardly necessary to analyze a work so generally known; yet one might dwell with pleasure on many of the subjects which its pages embrace, and find in them a cheerful relief from the tedious uniformity of political history. The fanciful theories of Buffon, have met their refutation in the increasing intelligence of succeeding times—*opinionum commenta delet dies, naturæ judicia confirmat*; yet one reads with satisfaction, if not with pleasure, the successful but simple refutation of the greatest philosopher of his day, by a citizen of an almost unknown and despised country, who had

thrown aside for a moment, the sword and the portfolio, to amuse himself in the more congenial investigations of science. The refutation of absurdity, has often proved the mother of wisdom ; the wild visions of Fulmer, produced the matchless dissertations of Locke. In the interesting picture of Indian habits and manners ; the records of their untutored eloquence ; the vindication of their bravery, their generosity, and their virtue—in the delineation of the character, the fidelity, the kindly feelings of the enslaved negro race, whose champion he ever was, alike in the times of colonial subjection, and of established freedom—in his investigations relative to religious and political liberty—in his researches in science, philosophy, and antiquity, every reader will find a great deal to instruct and amuse. He will not perhaps regret, that he chose public life as the great theatre of his ambition, but he will acknowledge, that his fame would probably have been as great, in the more peaceful pursuits of science.

About the close of the year 1782, Mr. Jefferson was appointed a minister plenipotentiary, to join the commissioners in Europe, who were to determine on the conditions of a treaty of peace, which it was expected would soon be entered into. In December he arrived at Philadelphia, in order to embark. Congress immediately ordered, that during his stay in that city, he should have full access to the archives of the government.

The minister of France offered him the French frigate *Romulus*, which was then at Baltimore, for his passage ; but, before the ice would permit her to leave the port, intelligence was received that preliminaries of peace between the United States and Great Britain had been signed. Mr. Jefferson wrote to congress from Baltimore,

to inquire whether the occasion of his services was not passed, and they, of course, dispensed with his leaving America.

On the sixth of June, 1783, Mr. Jefferson was again elected a delegate to congress, from the state of Virginia, but he did not take his seat in that body until the fourth of November following. The part which he immediately acted, was of course a prominent one, and we find him at once engaged in all the principal measures that occupied the public attention. Early in December, letters were received from the commissioners in France, accompanied with the definitive treaty between the United States and Great Britain, which had been signed at Paris on the third of September. They were immediately referred to a committee, of which Mr. Jefferson was chairman. On the fourteenth of January, 1784, on the report of this committee, the treaty was unanimously ratified, thus putting an end to the eventful struggle between the two countries, and confirming the independence which had already been gained. On the thirtieth of March he was elected chairman of congress, and chairman also of a grand committee, instructed to revise the institution of the treasury department, and report such alterations as they should deem expedient. This they did, in an able report on the fifth of April, embracing a general and comprehensive view of the finances of the country; a subject of infinite difficulty, and presenting obstacles which threatened to disturb the harmony of the union, to embarrass its councils, and obstruct its operations.

About this period, an opportunity was offered to Mr. Jefferson, of expressing again, as he had already so frequently done, his earnest desire to provide for the emancipation of the negroes, and the entire abolition of slavery in the

United States. Being appointed chairman of a committee, to which was assigned the task of forming a plan for the temporary government of the Western Territory, he introduced into it the following clause: "That after the year 1800 of the Christian æra, there shall be neither slavery nor involuntary servitude in any of the said states, otherwise than in punishment of crimes, whereof the party shall have been convicted to have been personally guilty." When the report of the committee was presented to congress, these words were, however, struck out.

On the seventh of May, congress resolved that a minister plenipotentiary should be appointed, in addition to Mr. Adams and Dr. Franklin, for the purpose of negotiating treaties of commerce. To this office Mr. Jefferson was immediately elected, and orders were issued to the agent of marine, to provide suitable accommodations for his passage to Europe. -

In July, he sailed from the United States, and joined the other commissioners at Paris, in the following month. Full powers were given to them, to form alliances of amity and commerce with foreign states, and on the most liberal principles. In this useful design, they were occupied for a year, but not with the success that congress had anticipated; they succeeded in their negotiations, only with the governments of Morocco and Prussia. The treaty with the latter power is so remarkable for some of the provisions it contains, that it may be looked upon as an experiment in diplomacy and national law. By it, blockades of every description were abolished, the flag covered the property, and contrabands were exempted from confiscation, though they might be employed for the use of the captor, on payment of their full value. This, it is said, is the only convention ever made by Ame-

rica, in which the latter stipulation is introduced, nor is it known to exist in any other modern treaty.

With Great Britain, also, a negotiation was attempted, but without success. The treaty of the preceding year had indeed dissolved for ever the bands by which the two countries were united, but the ties of consanguinity, religion, manners, and perhaps of interest, seemed to point out by nature, an alliance somewhat more intimate, than that which usually exists between independent states. It was known too that soon after the preliminary articles of peace had been concluded, Mr. Pitt, the young chancellor of the exchequer, with the liberal candour of youth, and a political sagacity not yet tinctured by national selfishness, or absorbed by more engrossing plans of infinitely less general utility, had introduced into the house of commons a bill for regulating the intercourse between the two nations, on principles of reciprocal benefit, which would have gone far to establish between them lasting relations of peace and prosperity. It is true, a change in the administration had prevented the passage of this measure, but its advocates had since returned to power, and it was in itself so highly advantageous to both parties, that the American commissioners deemed it expedient to attempt its renewal in the form of a commercial treaty. To effect this, Mr. Jefferson and Mr. Adams crossed over to London; and so anxious were they to promote a cordial connexion between the two countries, that among the terms they proposed to offer, was a mutual exchange of naturalization to the citizens and vessels of either nation, in every thing relating to commerce or commercial navigation. On reaching London, they were received by the government with great respect; but whether from some remains of hostile feeling and injured pride, or from the pressure of domestic

affairs, injured as they had been by a long and unsuccessful war; or what is most probable, from a determination to support the selfish regulations of the navigation system, from which she had been somewhat driven by the apprehension of injury to her commerce, in consequence of the revolution, but to which she joyfully returned on perceiving the weakness of the confederation, the discordant plans of the several states, and the interest she had succeeded in establishing; from one or all of these causes, for several years after the treaty of independence, Great Britain does not appear to have bestowed much attention on her intercourse with America. Every attempt to procure a conference was evaded, the period for which the general commission was issued, was on the eve of expiring, and after a fruitless visit of seven weeks to London, Mr. Jefferson returned to Paris.

On the tenth of March, 1785, Mr. Jefferson was unanimously appointed by congress, to succeed Dr. Franklin as minister plenipotentiary at the court of Versailles; and on the expiration of his commission in October, 1787, he was again elected to the same honourable situation. He remained in France until October, 1789.

The eminent rank which Dr. Franklin had obtained as a philosopher, before he was appointed a commissioner to Paris, had in no small degree facilitated his introduction there, and greatly aided the success of his political mission; that a man of such acknowledged distinction in science, should have been produced by these states, gave them a character beyond that usually bestowed on the colonists of a remote and unknown country, and strongly contributed to bring them forward into the rank of nations. These features of Dr. Franklin's character, were eminently supported by Mr.

Jefferson, and it was certainly no common circumstance, that at a time when the spirit of political and philosophical investigation, especially so far as it applied to the state of society, had made such rapid advances, and produced so many great men, a country scarcely yet heard of in Europe, should furnish such practical lessons in freedom and the assertion of liberty, and two men so fitted by their talents and the congeniality of their dispositions, to mingle with the most distinguished statesmen and philosophers of the age.

While Mr. Jefferson resided in France, he was engaged in many diplomatic negotiations of considerable importance to this country, though not of sufficient general interest, to require here a lengthened recital. The great questions which had so long occupied the public mind, were fitted to arrest the attention of the most thoughtless, affecting as they did, the policy of nations and the fate of empires; but the details which arise out of the interpretation of treaties, or the measures which are necessary to increase their effect, and to remedy their deficiencies, are interesting only to him who studies the minute points of political history. These only were the objects, which could claim the attention of the minister to France, at this period; they did not call forth any prominent display of his great and various talents, but they required no ordinary address, involved as they were by the skilful intrigues of such ministers as Vergennes and Calonne, and opposed, for the most part, by all the men of influence, who thought that their interests might be compromised or endangered. Among the principal benefits then obtained, and continued to the United States until the period of the French revolution, were the abolition of several monopolies, and the free admission into France of tobacco, rice,

whale oil, salted fish, and flour; and of the two latter articles into the French West India islands.

During the period of his ministry, Mr. Jefferson took advantage of the leisure he occasionally enjoyed to make an excursion to Holland, and another to Italy. Each offered a useful lesson to a philosopher and statesman, the representative of a young and rising nation. The one displayed the successful efforts of patient industry, gradually removing the difficulties which nature had created and neglect increased. In the fair clime and fertile soil of the other, he saw that arbitrary power changes the field of plenty to a desert, and that though the Italian might look round on the stupendous ruins which proclaimed at once the power and the freedom of his ancestors, he had inherited nothing of their lofty spirit, but was rather a stranger, wandering amid the relics of foreign grandeur, than the descendant of a nation whose humblest citizens were mightier than kings. It was, however, in the gaiety, the learning, the taste, elegance, and hospitality of Paris, that he found pleasures most congenial to his disposition. Years had passed away, loaded with public cares, since he had indulged in those pursuits, which formed so favourite an occupation for his mind; and now, placed at once in the midst of learning and elegance, admired for his genius, beloved for his modesty and kindness, received with open arms by the men whose names were most conspicuous for their talents and virtues, it will be readily believed, that he enjoyed the new scene around him with peculiar interest. The Abbé Morrellet translated his little work on Virginia, Condorcet and D'Alembert claimed him as their friend, and he was invited and welcomed among the literary institutions and circles of Paris. His letters, written at this time to his friends in America, display the versatility of his genius, and

the attention he constantly bestowed on whatever was calculated to embellish or benefit society. Perhaps, indeed, of his long and not unprosperous life, he would have fixed on this as the period of greatest enjoyment; as a statesman and patriot he was honoured, respected, and loved; of rank and fortune he had enough to supply his wants and gratify his ambition; in the prospect of the future there was little to add to his present happiness, while it was surrounded with the uncertainty which ever attends the most successful, in the career of public life.

It was while Mr. Jefferson was in France, that the difficulties of this country, for want of a general government, were more and more felt; they were greatly increased by the failure of treaties abroad, which might have given a system to our foreign relations, that could scarcely be expected, while the states presented a social form so feebly connected; the federal constitution, therefore, had been framed from a general conviction of its necessity. But, however Mr. Jefferson had contributed to impress this necessity, and had communicated his ideas to his friends, he of course had no personal share in its formation. That the structure of it would awaken his attention, there could be no doubt; and it appears, that his friends were early desirous in obtaining his views with regard to it. In a late publication it is asserted, that so soon as 1787, he had expressed his sentiments of it, in a letter to Mr. Madison; that letter has not been published; but it seems that soon after, Mr. Jefferson was written to by colonel Forrest of Georgetown, requesting his opinion of the new constitution, and that he sent to him, in reply, a copy or extract of his letter to Mr. Madison. As this has every appearance of authenticity, and certainly expresses Mr. Jefferson's sentiments on this interesting sub-

ject, far better than any abridgment of them would do, no apology is necessary for inserting it at length.

“ I like much,” he says, “ the general idea of framing a government which should go on of itself peaceably, without needing continual recurrence to the state legislatures. I like the organization of the government into legislative, judiciary, and executive. I like the power given the legislature to levy taxes, and for that reason solely, I approve of the greater house being chosen by the people directly : for though I think a house so chosen will be very far inferior to the present congress, will be very illy qualified to legislate for the Union, for foreign nations, &c. yet this evil does not weigh against the good of preserving inviolate the fundamental principle, that the people are not to be taxed but by representatives chosen immediately by themselves. I am captivated by the compromise of the opposite claims of the great and little states, of the latter to equal, and the former to proportional influence. I am much pleased, too, with the substitution of the method of voting by persons instead of that of voting by states ; and I like the negative given to the executive conjointly with a third of either house, though I should have liked it better had the judiciary been associated for that purpose, or invested separately with a similar power. There are other good things of less moment. I will now tell you what I do not like. First, the omission of a bill of rights, providing clearly, and without the aid of sophisms, for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury in matters of fact, triable by the laws of the land, and not by the law of nations. To say, as Mr. Wilson does, that a bill of rights was not necessary, because all is

reserved in the case of the general government which is not given, while in the particular ones, all is given which is not reserved, might do for the audience to which it was addressed, but it is surely a gratis dictum, the reverse of which might just as well be said ; and it is opposed by strong inferences from the body of the instrument, as well as from the omission of the clause of our present confederation, which had made the reservation in express terms. It was hard to conclude, because there has been a want of uniformity among the states as to the cases triable by jury, because some have been so incautious as to dispense with this mode of trial in certain cases ; therefore, the more prudent states shall be reduced to the same level of calamity. It would have been much more just and wise to have concluded the other way, that, as most of the states had preserved with jealousy this sacred paladium of liberty, those who had wandered should be brought back to it ; and to have established general right rather than general wrong. For I consider all the ill as established, which may be established. I have a right to nothing which another has a right to take away ; and congress will have a right to take away trials by jury in all civil cases. Let me add, that a bill of rights is what the people are entitled to against every government on earth, general or particular ; and what no just government should refuse, or rest on inferences.

“The second feature I dislike, and strongly dislike, is the abandonment, in every instance, of the principle of rotation in office, and most particularly in the case of the president. Reason and experience tell us that the first magistrate will always be re-elected, if he may be re-elected. He is then an officer for life. This once observed, it becomes of so much consequence to certain nations to have a friend or a foe at

the head of our affairs, that they will interfere, with money and with arms. A Galloman or an Angloman will be supported by the nation he befriends. If once elected, and at a second or third election outvoted by one or two votes, he will pretend false votes, foul play, hold possession of the reins of government, be supported by the states voting for him, especially if they be the central ones, lying in a compact body themselves, and separating their opponents, and they will be aided by one nation in Europe, while the majority are aided by another. The election of a president of America, some years hence, will be much more interesting to certain nations of Europe, than even the election of a king of Poland was.

“ Reflect on all the instances in history, ancient and modern, of elective monarchies, and say if they do not give foundation for my fears—the Roman emperors, the popes, while they were of any importance, the German emperors, till they became hereditary in practice, the kings of Poland, the deys of the Ottoman dependencies. It may be said, that if elections are to be attended with these disorders, the seldomer they are repeated, the better. But experience says, that, to free them from disorder, they must be rendered less interesting by a necessity of change. No foreign power, nor domestic party, will waste their blood and money to elect a person who must go out at the end of a short period. The power of removing every fourth year by the vote of the people, is a power which they will not exercise; and if they were disposed to exercise it, they would not be permitted. The king of Poland is removable every day by the diet, but they never remove him, nor would Russia, the emperor, &c. permit them to do it. Smaller objections are, the appeal on matters of fact as well as law; and the binding all persons,

legislative, executive, and judiciary, by oath to maintain that constitution. I do not pretend to decide what would be the best method of procuring the establishment of the manifold good things in this constitution, and getting rid of the bad; whether by adopting it in hopes of future amendment; or, after it shall have been duly weighed and canvassed by the people, after seeing the parts they generally dislike, and those they generally approve, to say to them, ‘we see now what you wish; you are willing to give to your federal government such and such powers; but you wish at the same time, to have such and such fundamental rights secured to you, and certain sources of convulsion taken away; be it so; send together your deputies again, let them establish your fundamental rights by a sacrosanct declaration, and let them pass the parts of the constitution you have approved. These will give powers to your federal government sufficient for your happiness.’ This is what might be said, and would probably produce a speedy, more perfect, and more permanent form of government. At all events, I hope you will not be discouraged from making other trials, if the present one should fail; we are never permitted to despair of the commonwealth.

“I have thus told you freely what I like and what I dislike, merely as matter of curiosity: for I know it is not in my power to offer matter of information to your judgment, which has been formed after hearing and weighing every thing which the wisdom of man could offer on these subjects. I own I am not a friend to a very energetic government; it is always oppressive; it places the governors indeed more at their ease, but at the expense of the people. The late rebellion in Massachusetts has given more alarm than I think it should have done. Calculate that one rebellion in thirteen states, in the course of eleven years, is but one for each state

in a century and a half. No country should be so long without one, nor will any degree of power in the hands of government prevent insurrections. In England, where the hand of power is heavier than with us, there are seldom half a dozen years without an insurrection. In France, where it is still heavier, but less despotic, as Montesquieu supposes, than in some other countries, and where there are always two or three hundred thousand men ready to crush insurrections, there have been three in the course of the three years I have been here, in every one of which greater numbers were engaged than in Massachusetts, and a great deal more blood was spilt. In Turkey, where the sole nod of the despot is death, insurrections are the events of every day. Compare again the ferocious depredations of their insurgents with the order, the moderation, and the almost self-extinguishment of ours, and say, finally, whether peace is best preserved by giving energy to the government, or information to the people. This last is the most certain, and the most legitimate engine of government. Educate and inform the whole mass of the people, enable them to see that it is their interest to preserve peace and order, and they will preserve it; and it requires no very high degree of education to convince them of this; they are the only sure reliance for the preservation of our liberty. After all, it is my principle that the will of the majority should prevail. If they approve the proposed constitution in all its parts, I shall concur in it cheerfully, in hopes they will amend it, whenever they shall find it works wrong. This reliance cannot deceive us, as long as we remain virtuous; and I think we shall be so, as long as agriculture is our principal object, which will be the case while there remain vacant lands in any part of America. When we get piled upon one another in large cities, as in Europe,

we shall become corrupt as in Europe, and go to eating one another as they do there. I have tired you by this time with disquisitions which you have already heard repeated by others a thousand and a thousand times, and therefore shall only add the assurance of my esteem and attachment."

In the month of October, 1789, Mr. Jefferson obtained leave of absence for a short time, and returned to the United States. While he was abroad, the federal constitution, the formation of which we have mentioned, and relative to which we have given his views, had been regularly ratified by the requisite number of states, general Washington had been raised unanimously to the presidential chair, and the new government had been successfully organized. In filling the executive offices, the president had, with that wisdom which marked all the acts of his public life, carefully selected those whose talents or previous employments, rendered them peculiarly fit for the duties of the stations to which they were appointed. After his arrival from France, and while on his way to Virginia, Mr. Jefferson received a letter from the president, offering him the option of becoming secretary of state, or returning to France, as minister plenipotentiary to that court. His feelings and his habits, alike urged him to the latter, but he could not, and did not refuse to acquiesce in the very strong desire expressed by the president, that he would afford the aid of his talents to the administration at home.

Of all the offices under the government of the United States, there is no one, perhaps, which calls for the exercise of such various abilities, such extensive knowledge of laws and facts, such prompt decision on questions involving principles of the highest political import, as the department of state; and in proportion to the infancy of the office itself, and the new and

peculiar situation of the government, was the difficulty of the task assumed by Mr. Jefferson. The subsequent events of his political life have been tinged by the hue of party, and perhaps the time has not arrived when we can view them with strict impartiality, and weigh the policy of his measures, without dwelling too much on circumstances merely temporary or local. But all unite in the candid acknowledgment, that the duties of this station were performed with a prudence, intelligence, and zeal, honourable to himself, and useful to his country. In the intercourse with foreign nations, the laws of a strict neutrality, at a period of peculiar difficulty, were maintained with unyielding firmness and consummate ability; the dignity of the nation was remembered and supported; and the interests of the citizens were cherished and protected. At home, he turned his attention to objects of a minuter character, but of equal importance; he laid before congress, from time to time, reports on various branches of domestic policy, which displayed at once the extent and variety of his genius, the depth of his information, and the zeal with which he applied them both to the peculiar duties of his situation. It has been observed, that these papers evince not only the feelings of a patriot and the judgment of an accomplished statesman, but display, at the same time, uncommon talents and knowledge as a mathematician and natural philosopher, the deepest research as an historian, and even an enlarged and intimate acquaintance with the business and concerns of a merchant.

Mr. Jefferson had scarcely entered on his office, when congress referred to him a subject whose nature and importance called for the exercise of a mature judgment, while its intricacy was such, as to require in the investigation, more than ordinary scientific knowledge. They directed him to

prepare and report a plan, for establishing a uniform system of currency, weights, and measures. This was a subject which, it was admitted on all hands, demanded very serious attention. It had already attracted the notice of the most enlightened European nations; and a partial experiment in one branch, that of the public currency, had been received throughout the United States, with general approbation and unexpected success. The established system of weights and measures, was alike inconvenient and absurd. In the ages of feudal ignorance, when the sallies of passion, the dictates of unrestrained ambition, or the gratification of each changing caprice, were all that a monarch asked as the foundation of his laws, it was at least not inconsistent, that the length of his arm or foot should regulate the measures of the nation. But the necessities of modern commercial intercourse, seem to demand a scale more certain and convenient; while the improvements of modern science, offered standards of unerring correctness and uniformity. The first object that presents itself in such an inquiry, is the discovery of some measure of invariable length. For this purpose, Mr. Jefferson proposed to select a pendulum vibrating seconds; and after answering the various objections which may be made to such a standard, he submits to congress two alternative plans for its adoption. By the first, he proposes, that if, in the opinion of congress, the difficulty of changing the established habits of the nation, renders it expedient to retain the present weights and measures, yet that they should be rendered uniform and invariable, by bringing them to the same invariable standard. With this view, he enters minutely into the details of the present system, its history, the remarkable coincidence to be discovered in some of its varieties, its useless inconsisten-

cies, and the extreme ease, and trifling variation, with which it may be rendered uniform and stable. But, in the second place, he proceeds to say, "if it be thought, that either now or at any future time, the citizens of the United States may be induced to undertake a thorough reformation of their whole system of measures, weights, and coins, reducing every branch to the same decimal ratio already established in their coins, and thus bringing the calculation of the principal affairs of life within the arithmetic of every man who can multiply and divide plain numbers, greater changes will be necessary."

These changes he points out briefly and distinctly; as being such as are easy of introduction, and useful both to the citizens of our own and foreign countries. "A gradual introduction," he concludes, "would lessen the inconveniences which might attend too sudden a substitution, even of an easier, for a more difficult system. After a given term, for instance, it might begin in the custom-houses, where the merchants would become familiarized to it. After a further term, it might be introduced into all legal proceedings; and merchants and traders in foreign commodities might be required to use it in their dealings with one another. After a still further term, all other descriptions of people might receive it into common use. Too long a postponement, on the other hand, would increase the difficulties of its reception with the increase of our population."

This valuable document is still before the country. A cautious deliberation, a natural attachment to long established usage, a deference to existing prejudices, perhaps the acknowledged difficulties in every system, have hitherto prevented any change in the existing laws; but the subject has demanded, and so often received, during half a century, the

attention of distinguished philosophers and enlightened statesmen, in this country, and in France, England, and Spain, that the hope does not appear altogether groundless, of establishing by their mutual efforts, a grand, useful, and general system. Whether this be the case or not, however, we trust that the views of Mr. Jefferson will never be lost sight of among his own countrymen, and that an important improvement will not be relinquished, from a fear that their habits are so firmly fixed as to preclude its introduction. The partial failure of a similar attempt in France could afford no argument against it; the scheme was there, one of the hasty plans of the revolutionary government, blended with others less necessary and judicious, precipitately adopted, and carelessly abandoned; it was introduced among a people brought up in the midst of ancient prejudices, and comparatively ignorant and unenlightened, who still preserved the customs, and held in reverence many of the superstitions of their ancestors, and were naturally reluctant to admit the improvements of science. Such, however, could not be the result, in a nation where reason and improvement hold the sway they do in the United States. The evident advantage of a new system, quickly wrought a change in their currency, connected as it is so intimately with all the relations of social intercourse, and had the provisions of the report which we have mentioned, been at once adopted, it is not improbable that we should be now successfully enjoying all the benefits of a system founded in science.

On the eighteenth of January, 1791, Mr. Jefferson made a report, as secretary of state, on the subject of tonnage duties payable by France. Very soon after the meeting of the first congress, the same subject had been discussed in that body, with considerable animation, and an act had passed the

house of representatives, embracing a discrimination in these duties highly favourable to France. The principle thus adopted, coincided with the general sentiments of the nation, and appeared to be called for, not by this circumstance only, but by the strongest dictates of national gratitude, as well as those of sound policy. The discrimination, however, was rejected by the senate, and the house of representatives were obliged reluctantly to yield. What it was thus deemed inexpedient to grant, even as a matter of favour or policy, the French government demanded as a right, under the treaty of amity and commerce of 1778. The demand was referred to Mr. Jefferson, by the president, and elicited from him the able report to which we have alluded. In this he clearly proved, that the article of the treaty on which the French government founded their claim, was evidently meant to extend no further than to the exemption of the United States from a duty from which other favoured nations were also exempted, and that in return France could claim of our government, no greater advantages than favoured nations also received from us. That if the article in question had a more extended relation, it applied reciprocally to each government, and would lead to the mutual abolition of duties, highly useful to both, and to consequences in which it was hardly conceivable, that either party could see its interest. But he appears to incline to the opinion, that if France persisted in claiming this exemption, there were extrinsic causes which might justify, and even render advisable, some relaxation in her favour ; not on the grounds on which it was demanded, but from the effect it would have on the finances, revenue, and commerce of our own country. This report, the president immediately submitted to the senate of the United States.

But the foreign relations of the country, were not the only subject, on which the opinions of congress were divided, during the session of 1791. The secretary of the treasury, in introducing his celebrated system of finance, had recommended the establishment of a national bank, as necessary to its easy and prosperous administration. A bill, conforming to the plan he suggested, was sent down from the senate, and was permitted to proceed unmolested, in the house of representatives, to a third reading. On the final question, however, a great, and it would seem an unexpected opposition was made to its passage ; and after a debate of considerable length, which was supported on both sides with ability, and with that ardour which was naturally excited by the importance attached by each party to the principle in contest, the question was put, and the bill carried in the affirmative by a majority of nineteen voices.

The point which had been agitated with so much zeal in the house of representatives, was examined not less deliberately by the executive. The advice of each minister, with his reasoning in support of it, was required in writing, and their arguments were considered by the president with all that attention which the magnitude of the question, and the interest taken in it by the opposing parties, so eminently required.

The opinion of Mr. Jefferson, and it agreed with that of the attorney general, was decided. He believed that congress, in the passage of the bill, had clearly transcended the powers granted them by the constitution. That as a body, with limited authority, they were strictly confined to the exercise of those powers which were granted to them, and that to their exercise, an establishment of such vast power and influence, was neither incidental nor necessary. That

even if a free interpretation of the constitution, seemed to authorize that which was no where expressly allowed, it was still better for those who were exerting merely a delegated power, to confine themselves within limits which were well known, and where their power was universally acknowledged, than to assume as a right, what was at least considered as doubtful, by a large and intelligent portion of their constituents.

The views of the secretary of the treasury were equally decided, in favour of the establishment. The president, after receiving their opinions, weighing their reasons, and examining the subject, deliberately made up his mind in favour of the constitutionality of the law, and gave it the sanction of his name. This circumstance, together with the renewal of the charter of the bank, at a subsequent period, may perhaps be considered sufficient, to settle the legality, as well as the policy, of the measure; yet none will regret that it was adopted with so much hesitation, and that it led to so serious a discussion of the fundamental principles of our government. It was a matter of high importance, at that early period, when experience had afforded no lessons, when the remote effects and bearings of any act were unknown, and when the people were naturally and properly jealous of the slightest infringement of the rights they had reserved, that nothing which could be construed, even by the ignorant, into the unwarranted assumption of power, should be done without the utmost calmness, inquiry, and deliberation.

On the first of February, 1791, Mr. Jefferson presented to the house of representatives, an elaborate and valuable report, on the subject of the cod and whale fisheries. Before the revolution, a large number of seamen, and a great amount of tonnage, were successfully employed in this trade; but

during the war it had been almost annihilated, and now required the immediate and efficient aid of the government to restore it. It was too valuable to be neglected. To a maritime nation, its preservation was of vital and acknowledged importance. It afforded employment and subsistence to the inhabitants of a sandy and rocky district, who had no resource in agriculture; by augmenting the quantity of food, it reduced the prices of all the necessaries of life, and thus improved the condition of the labouring classes, especially on the sea coast; it was the means of rearing and supporting a hardy race of men, useful alike in extending and defending the commerce of the country, as it afforded a sure nursery of excellent seamen, both for the public vessels, and the rapidly increasing trade of the United States; an object of immense importance, when the scarcity of labour, and the readiness with which employment could be found, in less arduous pursuits, were taken into view. Impressed with these considerations, congress very early determined to give the subject that investigation, which its importance demanded. The report of Mr. Jefferson was accordingly made. In it he enters with sufficient minuteness, into an historical view of the rise and progress of the trade, both among ourselves and foreign nations; he points out distinctly the facilities afforded by our situation, the cheapness and excellence of our vessels, and the superiority of our mariners; the disadvantages under which we labour, from the prohibitory policy of other nations, and the means they have used, directly and indirectly, to destroy our trade; and concludes with recommending to congress, the adoption of such measures as he conceives sufficient to restore the confidence and energy of those engaged in it, to defeat the efforts of foreign governments, and open new markets for our enterprise. The

utility of these measures was acknowledged, and the adoption of this policy has secured to us a branch of trade and domestic enterprise, which cannot be too highly appreciated.

Towards the close of this year, 1791, Mr. Jefferson became involved in a discussion with Mr. Hammond, the British minister, of considerable length and importance. It arose, in the first instance, out of the provisions in the original treaty of peace, between the United States and Great Britain. Soon after the termination of the war, each party had charged the other with a violation of its engagements. The charge could not be entirely controverted by either. At length, however, the opening of a diplomatic intercourse, by the reception of Mr. Hammond and the appointment of Mr. Pinckney, seemed to afford a proper opportunity for bringing these differences to a close, and for fixing the principles, which might serve as the basis of a definitive commercial arrangement between the two countries. Accordingly, soon after the arrival of the British minister, Mr. Jefferson called his attention to the seventh article of the treaty, which contained stipulations against carrying away negroes or destroying any American property, and secured the removal or evacuation by the British forces of all posts within the limits of the United States. To this letter Mr. Hammond promptly replied, that his government had only been induced to suspend the execution of that article, by the non-compliance of the United States with the engagements they had made, in the same treaty, to secure the payment of debts justly due to British creditors, and to stop all confiscations and prosecutions against British subjects. This was followed on both sides, by an exposition of the various circumstances relied on to support the grounds

that had been respectively assumed; and while on the one hand, the refusal to evacuate the military stations was acknowledged, it cannot on the other be denied, that the terms of the treaty did not appear, in several important instances, to have been strictly complied with. To account for this, Mr. Jefferson, on the twenty-second of May, addressed to Mr. Hammond a long and circumstantial letter. Placing out of view, all the acts which had occurred during the war, as recollections equally unprofitable and unconciliatory, and, to use his own language, dropping for ever the curtain on that tragedy, he proceeds to show, and with no little success, that the acts complained of by the British government, were no infraction of the treaty; that on the subject of exile and confiscation, congress only could and did stipulate, to recommend it to the individual states, and that the stipulation was so understood by both parties, nor was it indeed denied that the recommendation had been earnestly and faithfully made; that the British infractions had preceded, and thereby produced, the acts complained of, as obstacles to the recovery of the debts, thus justifying, on our part, a resort to retaliatory measures; but that even those acts, being the proceedings of individual states, were controlled by the treaty, and that anxious, not even to leave the shadow of doubt, they had already been repealed, in every state of the Union but one. That the claim set up by the British creditors for interest during the war, was not given by the treaty, was not generally allowed in other countries, and was fairly a subject that should be left to the decision of the legal tribunals, without imputing to them palpable wrong, or making it a pretence for not executing the treaty. "These things," concludes Mr. Jefferson, "being evident, I cannot but flatter myself, after the assu-

rances received from you of his Britannic Majesty's desire to remove every occasion of misunderstanding from between us, that an end will now be put to the disquieting situation of the two countries, by as complete execution of the treaty as circumstances render practicable at this late day. That it is to be done so late, has been the source of heavy losses of blood and treasure to the United States. Still our desire of friendly accommodation is, and has been constant. These difficulties being removed from between the two nations, I am persuaded the interests of both will be found in the strictest friendship. The considerations which lead to it, are too numerous and forcible to fail of their effect; and that they may be permitted to have their full effect, no one wishes more sincerely than myself." To this letter no reply was ever received; and although the subject was from time to time renewed, it seems to have been attended with no other result, than confirming each party in its original impressions. The whole controversy was finally merged in the more important differences which afterwards arose between the two countries, and was incorporated at length in the definitive negotiations which terminated in the treaty of 1794.

Nor was Great Britain the only country, with which the United States were, about this time, involved in a controversy of much delicacy and importance. As early as the revolutionary war, the Spanish government appears to have contemplated, with considerable apprehension, the probable future strength of the new republic, and to have strongly desired to restrain it, within the most confined limits, towards the south and west. After the conclusion of the war, attempts to form a treaty had been repeatedly made, but without any advance towards an agreement, on the point of differ-

ence between the two countries. These points were chiefly, the settlement of our boundaries, the exclusion of our citizens from navigating the Mississippi below our southern limits, the interference with the neighbouring Indian tribes, the restitution of property carried away, the surrender of fugitives from justice escaping within the territories of each other, and the arrangement of the general principles of a commercial treaty. About the close of the year 1791, however, Mr. Jefferson reported to the president, that the Spanish government, apprised of our solicitude to have some arrangement made, respecting the free navigation of the Mississippi, were ready to enter into a treaty on the subject at Madrid. This, it was true, referred merely to one of the matters then unsettled, but it was of too much importance to be neglected; and accordingly commissioners were appointed, without delay, to proceed to Spain, and their powers were extended to include the other arrangements, which it was desired should be made between the two countries. In the spring of 1792, Mr. Jefferson drew up his observations on the several subjects of negotiation, to be communicated by way of instruction to the two commissioners. As the negotiation itself, was one of the most difficult, intricate, and vexatious in which the government has ever been engaged, so are these documents among the most important and valuable, that have arisen out of our relations with foreign powers. In the first place, the absurdity of a claim set up by Spain to possessions within the state of Georgia, founded on her having rescued them by force from the British during the war, is clearly established; and it is shown, that the boundary between the possessions of the two countries, must rest as it had been fixed by former treaties. The next and most important subject, the navigation of the Mississippi, is treated more in de-

tail. Our right to use that river, from its source to where our southern boundary touched it, was not denied ; it was only from that point downward, that the exclusive navigation was claimed by Spain. Our right to participate in it, however, Mr. Jefferson contended, was established at once by former treaties, and by the law of nature and nations. By the treaty of 1763, the right of navigating the river in its whole length and breadth, from its source to sea, was expressly secured to all, at that time, the subjects of Great Britain. By the treaty of 1782, this common right was confirmed to the United States, by the only power who could pretend to claim against them, founded on the state of war. By the law of nature and nations, he remarks, if we appeal to it as we feel it written on the heart of man, what sentiment is written in deeper characters than that the ocean is free to all men, and their rivers to all their inhabitants? Is there a man, savage or civilized, unbiassed by habit, who does not feel and attest this truth? Accordingly, in all tracts of country united under the same political society, we find this natural right universally acknowledged and protected, by laying the navigable rivers open to all their inhabitants. When their rivers enter the limits of another society, if the right of the upper inhabitants to descend the stream is in any case obstructed, it is an act of force by a stronger society against a weaker, condemned by the judgment of mankind. If we appeal to the law of nature and nations, as expressed by writers on the subject, it is agreed by them, that were the river, where it passes between Florida and Louisiana, the exclusive right of Spain, still an innocent passage along it is a natural right in those inhabiting its borders above. It would indeed be what those writers call an imperfect right, because the modification of its exercise depends, in a con-

siderable degree, on the conveniency of the nation through which they are to pass. But it is still a right as real as any other right, however well defined; and were it to be refused, or to be so shackled by regulations not necessary for the peace or safety of its inhabitants, as to render its use impracticable to us, it would then be an injury, of which we should be entitled to demand redress. This right of navigation, therefore, as well as that of mooring vessels to its shores, of landing on them in case of distress, or for other necessary purposes, is established and supported, at considerable length, and with great learning and intelligence.

As the basis of a commercial treaty, Mr. Jefferson proposed to exchange, between the two countries, the rights of native citizens, or the privileges mutually granted to the most favoured nations. With respect to fugitives, he stated it as his opinion, that by the law of nature, no nation has a right to punish a person who has not offended itself; but that murder was a crime so atrocious and imminently dangerous to society, as to justify a denial of habitation, arrest, and delivery; carefully restraining it, however, to homicide of malice prepense, and not of the nature of treason. Treason, he observed, when real, merits the highest punishment. But most codes extend their definitions of treason to acts not really against one's country. They do not distinguish between acts against the government, and acts against the oppressions of the government. The latter are virtues, yet have furnished more victims to the executioner than the former: because real treasons are rare, oppressions frequent. The unsuccessful strugglers against tyranny, have been the chief martyrs of treason laws in all countries. We should not wish, therefore, to give up to the executioner the patriot who fails and flees to us; and treasons, on the whole, taking

the simulated with the real, are sufficiently punished by exile. Crimes against property, and flights from debts, are not of such a nature, as to authorize the delivery of the offender: they may be punished in the tribunals of the nation where he is found; and these tribunals, it ought to be stipulated, shall be open to the claimant from a neighbouring nation, in like manner as they are open to their own citizens.

On the remaining subject of controversy, the interference with the neighbouring Indians, such had been the perverse conduct of the Spanish government, that it became necessary to address them directly, in the most decided terms. "We love and we value peace," observes Mr. Jefferson; "we know its blessings from experience; unmeddling with the affairs of other nations, we had hoped that our distance and our dispositions, would have left us free, in the example and indulgence of peace with all the world. We had with sincere and particular dispositions, courted and cultivated the friendship of Spain. Cherishing the same sentiments, we have chosen to ascribe the unfriendly insinuations of the Spanish commissioners, in their intercourse with the government of the United States, to the peculiar character of the writers, and to remove the cause from them to their sovereign, in whose justice and love of peace we have confidence. If we are disappointed in this appeal, if we are to be forced into a contrary order of things, our mind is made up, we shall meet it with firmness. The necessity of our position will supersede all appeal to calculation now, as it has done heretofore. We confide in our own strength, without boasting of it: we respect that of others, without fearing it. If Spain chooses to consider our self-defence against savage butchery as a cause of war to her, we must meet her also in war, with regret but without fear; and we shall be hap-

pier, to the last moment, to repair with her to the tribunal of peace and reason."

The importance of these various objects of negotiation, will not be denied ; it appears to have been equally the interest of each nation, that they should at least be placed on some definite footing. The Spanish government, however, beheld with dread any measure which would extend the limits of the United States, or confirm to them privileges on the frontier, to which their claim was even doubtful. All the efforts of Mr. Jefferson were in vain ; the negotiation was protracted by artificial delays, and it was not until some years after, when embarrassed by an unsuccessful war, and perhaps conscious of her own increasing weakness, and the rising power of the republic, that Spain reluctantly consented to accede to a few of the propositions, which had been so often and so zealously urged by the United States. It finally remained, however, for the distinguished statesman who now presides over the republic, to complete, in our own day, with honour and success, the task which had been commenced so long before, by his illustrious predecessor.

In the spring of the year 1793, a negotiation was begun, arising out of circumstances, more directly affecting the present and future situation, and involving the political rights of the United States, than any that had occurred since the formation of the constitution. It was the question of her neutral policy and rights. Early in April, the declaration of war made by France against Great Britain and Holland, reached America. Scarcely was this event known, before indications were given in some of the seaports, of a disposition to engage in the unlawful business of privateering on the commerce of the belligerent powers. The subject was too interest-

ing and important, to be treated either with precipitation or neglect; and, on the nineteenth of April, the heads of department and the attorney general met at the president's house, to consult with him on the measures which the occasion demanded. Every feeling of sympathy, generosity, and gratitude was enlisted in the cause of France; she was boldly struggling against the leagued nations of Europe, for the preservation of her natural and domestic rights, from foreign aggression; she was endeavouring to obtain, for her own oppressed people, those liberties, laws, and institutions, which she had generously aided us in maintaining; and if, in the excess of popular frenzy, or under the instigation of ambitious and unprincipled leaders, the bounds of propriety, or of moral right, were sometimes past, it was to be attributed to long ages of ignorance and oppression, to the unrestrained exultation of a new and almost unexpected freedom, not held up as the justification of foreign invasion, or the excuse for illiberal conduct and violated treaties. Such feelings were alike honourable and correct; they were the general and spontaneous feelings of the American people. Yet it was the anxious desire of the administration, that even while this feeling was indulged, nothing should be done to destroy that relation to foreign powers, which was deemed most beneficial to our interests and happiness; that policy which has since been so emphatically confirmed, of preserving peace, commerce, and friendship with all nations, and forming entangling alliances with none. The president, therefore, submitted to his council a proclamation, forbidding the citizens of the United States to take part in any hostilities on the seas with, or against, any of the belligerent powers; warning them against carrying to any of those powers, articles deemed contraband according to the modern usages of nations,

and enjoining them from all acts inconsistent with the duties of a friendly nation towards those at war. The adoption of this proclamation was unanimously advised, and it was accordingly issued on the twenty-second of April.

The next point submitted by the president, was the propriety of receiving a minister from the French republic ; this he was advised to do with equal unanimity. But it was at the same time suggested, by some members of the administration, that from the turbulence and fury which had marked the late proceedings in France, from their doubts whether the present possessors had not obtained it by unjustifiable violence, and from the danger they apprehended to the United States, from too close a connexion with the new republic, it was expedient, while we gave its minister an unqualified reception, candidly to apprise him, that we should reserve for future discussion, the question, whether the operation of our treaties, ought not to be deemed temporarily or provisionally suspended. This extraordinary doctrine, not less needless than illiberal, was decidedly opposed by Mr. Jefferson, who at once expressed his opinion, that no cause existed for departing in the present instance from the usual mode of acting on such occasions. The revolution in France, he conceived, had produced no change in the relations between the two nations ; the obligations created by pre-existing treaties remained the same ; and there was nothing in the alteration of government, or in the character of the war, which could impair the right of France to demand, or weaken the duty of the United States faithfully to comply with the engagements which had been solemnly formed. In this opinion the president concurred ; and determined to receive the minister of the republic, without qualifying that act by any explanations.

The principles thus established, were called into immediate operation. The citizen Genet, a gentleman of considerable talents, but of a temper naturally ardent, and particularly excited by the passions and politics of the day, arrived just at this time in Charleston, as minister from France. He was welcomed by the people with unbounded, and not unnatural enthusiasm, as the first representative of a new republic, and the ambassador of an old and generous ally. From the publications of that period, his progress through the country seems rather to have been a triumphal procession, than the journey of an unknown stranger, and in the failure of his subsequent measures, he could look only to their impropriety and his own intemperance or imprudence. Either distrusting the concurrence of the American government, or too ardent to wait for it, in a few days after his landing in Charleston, he undertook to authorize the fitting and arming of vessels in that port, enlisting men, and giving commissions to cruise and commit hostilities on nations, with which the United States were at peace. These proceedings of course produced immediate complaints, and before the arrival of the ambassador at the seat of government, before he was accredited as a minister, a long catalogue of grievances committed by him, had been made to the president. Mr. Jefferson immediately addressed a letter to Mr. Ternan, the French minister, residing at Philadelphia. In it he candidly stated the determination of the government, and expressed his surprise at the assumption of jurisdiction by an officer of a foreign power, in cases which had not been permitted by the nation, within whose limits it had been exercised.

Mr. Genet arrived in Philadelphia on the following day, and from that period a correspondence commenced, which was continued without interruption as long as Mr. Jefferson

occupied the department of state. The letters of Mr. Jefferson take up, in succession, the different assertions which were made, and views which were entertained by the French ministry, answering and refuting them, always with success, and frequently with singular happiness and ingenuity. The language and conduct he had used in his intercourse with the American government, and the unwarrantable expressions in which he had indulged, when speaking of the illustrious man at its head, were treated with the indignation and contempt they merited. The spirit of friendship for the nation was carefully preserved, while the unauthorized aggressions of its agent were resisted, and his insinuations repelled and denied. This correspondence, indeed, forms one of the most important features in the history of the United States, as it is the foundation of a policy, which it has been the invariable aim of the government, since that period, to follow ; and it contains nearly all the important principles, in the conduct of a neutral nation, which have since been more fully developed and supported.

Mr. Jefferson's participation in the government was now drawing to a close. As his last important official act, in pursuance of a resolution passed some time before, he presented to congress, on the sixteenth of December, 1793, a report on the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and the measures which he thought proper to be adopted for the improvement of their commerce and navigation.

In this report, which has been ever considered as one of great importance, he enumerates in the first place, the articles of export, with their value to the several nations with whom we have carried on a commercial intercourse. He then pro-

ceeds to point out minutely, the various restrictions which they have placed on that intercourse, and calls the attention of congress to the best modes of removing, modifying, or counteracting them. These he states to be twofold : first, by friendly arrangements with the several nations with whom these restrictions exist: or, secondly, by separate legislative acts for countervailing their effects.

He gave a decided preference to friendly arrangements. Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions, he thought it was desirable that it should be relieved from all its shackles in all parts of the world. If even a single nation would unite with the United States in this system of free commerce, he deemed it advisable to begin it with that nation ; while, with regard to such as supposed, contrary to the wishes of America, that it was more advantageous to continue a system of prohibitions, duties, and regulations, it would behove the United States to protect their citizens, their commerce, and navigation, by counter prohibitions, duties, and regulations also. These views are then pursued at considerable length, the protection of our navigation strenuously recommended, the principles of national reciprocity pointed out and enforced, and the necessity, or at least the propriety advocated, should these principles be neglected, of establishing regulations and prohibitions coextensive with those experienced by the United States, but finally indulging the hope that friendly arrangements may be made, equally beneficial to all commercial nations.

This report gave rise to one of the longest and most interesting discussions, which has ever agitated the national legislature. It was the foundation of a series of resolutions, proposed by Mr. Madison, sanctioning the views it embraced. These resolutions became the subject of ardent debate ; in

their consideration, many extrinsic questions of general politics were introduced; and the past and future policy of the country, the course to be adopted amid the conflicts of Europe, the aggressions on our commerce, the means and the necessity of retaliation, were all warmly discussed. It was ascertained that there was a majority in favour of their passage, but from reasons which were not fully explained, a determination upon them was never pressed. It appears, indeed, most likely, that their advocates found the majority evidently decreasing, under the influence of considerations made to bear against them; particularly the alarm of war, as likely to be the result of their adoption. A final rejection, therefore, being feared, it was, probably, thought best not to push them at that issue, which might strengthen the idea abroad, that no countervailing policy was to be apprehended, and weaken, at the same time, the republican party at home.

As this measure was the last official act of Mr. Jefferson, so it may be considered as that, which finally arrayed the statesmen of the nation under the banners of two great political parties, which have since existed, and placed him at the head of those, who, as advocates of the system he proposed, were for some years in a minority of the legislature. Connected with his previous acts, it also subjected him not only to personal reproach, but to many charges, as an unwise politician, whose plans were calculated to injure the commerce of his country, and involve it in a foreign war. To this, however, it might be properly replied, that it was but the continuation of a system adopted immediately after the close of the revolutionary war, and to enforce which, had been the prominent object of the convention that terminated in the formation of the federal constitution; that our own maritime rights and commercial prosperity could be main-

tained only by a proper discrimination in our intercourse with foreign nations ; and, that it was directed solely against those countries who refused to enter into treaties with us, and who, of course, could have no colour of complaint, after such refusal. In the measure itself, therefore, there was nothing opposed to the well settled policy of the United States, and still less, any thing which could afford even a plausible pretext for war. It was, indeed, notorious, that they who were in favour of it, could not be suspected of maintaining political principles less opposed to war than their opponents ; they were of the party which professed to adhere with most scruple, to the peculiar characteristics of a republican government, in defining the language, and settling the extent of the constitution, in adjusting public ceremonies, and in-marking out the course of the administration ; and they had always resisted with the greatest zeal, every thing which tended to confer discretionary power in the executive departments, or to increase the public debts and taxes. To war, therefore, which was the readiest way to produce all these evils, they must have been averse ; and it was by means of the system they proposed, a system which aimed at the assertion and preservation of our rights by peaceful operations against the commerce and resources of those who unjustly infringed them, that they hoped to attain objects, which, however valuable, would have been dearly purchased at the risk of war.

It is not, however, our intention, as we have already avowed, to involve the reader in the party discussions of those times ; yet to him who is desirous of obtaining a clear and more extended view of the principles on which Mr. Jefferson and his friends acted, in bringing forward the system to which we have alluded, we cannot avoid mentioning the

“Political Observations” published at the time, and attributed to the pen of him who offered the resolutions in congress. They exhibit briefly, but with uncommon candour, clearness, and energy, the causes and principles on which they were founded, and the ends they had in view; and at the same time they present an able sketch of the immediate objects, with which the first idea of a federative government was adopted; the course pursued in its early administration; and the reasons that induced a large party to dissent from the measures of the existing government, stripped of the imputations, assigned by heat or malevolence at the time.

On the thirty-first of December, 1793, Mr. Jefferson resigned the office of secretary of state, and retired once more to private life. The sketch we have given of the duties he performed while he held it, will show with what advantage to his country he had assisted in the administration of its government; the firmness and dignity with which he had supported its rights, and vindicated its character towards foreign nations; and his zeal and industry in promoting its domestic interests. But the times had now become full of danger and uncertainty; at home the government, new alike in its principles and conduct, was assailed by unexpected and extraordinary difficulties, before its own organization was perfected, or it had received the benefit of experience; and abroad, an eventful struggle had arisen, which was overthrowing the strong holds of religious and political error, but unhappily carrying with them much that humanity lamented, and wisdom would have saved. At such a time, a wide scope for opinion was opened, in which the best and wisest might essentially differ, and Mr. Jefferson, as the reader will have already perceived, found himself a member of an adminis-

tration, where views different from his own appeared to predominate, while those which he entertained seemed to be approved of by a large proportion of his countrymen. In the diversity of sentiment which thus occurred, he viewed with dread every measure that he thought calculated to lessen the influence of the people at home; he looked, too, with exultation on the rising liberties of a nation, which had so recently assisted our struggles for freedom, and was now so deeply engaged in maintaining its own; and with avowed distrust on too close an alliance with a country, from which we had so lately separated ourselves. These feelings were perhaps to a considerable extent those of the people of the United States generally, but in the mode of acting upon them, there existed a great difference of sentiment among the political leaders.

At the present day, when the heat of prejudice and party has subsided, no one will attribute to those who thus differed from Mr. Jefferson, views which were intentionally inimical to the interests or prosperity of their country; but without so doing, it may be asserted that there were so many points of foreign and domestic policy, in which the opinion of his colleagues varied from his own, that retirement was the only course left for a statesman, who felt the value of his own principles, and wished to act with firmness and generosity. He carried with him into his seclusion, not only the kind feelings of the great man who had selected him for the post he had filled, but the warm attachment of a large proportion of his fellow citizens.

From this period, Mr. Jefferson devoted himself to the education of his family, the cultivation of his estate, and the pursuit of his philosophical studies, which he had so long abandoned, but to which he now returned, with new ardour.

Amid such employments there is little which a biographer can find to notice; yet perhaps it will not be considered superfluous, to introduce the remarks which were made by a well known French traveller, who visited him at Monticello, about this time. "His conversation," says the Duke de Liancourt, "is of the most agreeable kind, and he possesses a stock of information not inferior to that of any other man. In Europe he would hold a distinguished rank among men of letters, and as such he has already appeared there. At present he is employed with activity and perseverance in the management of his farms and buildings, and he orders, directs, and pursues, in the minutest detail, every branch of business relating to them. The author of this sketch found him in the midst of harvest, from which the scorching heat of the sun does not prevent his attendance. His negroes are nourished, clothed, and treated as well as white servants could be. As he cannot expect any assistance from the two small neighbouring towns, every article is made on his farm: his negroes are cabinet makers, carpenters, masons, bricklayers, &c. The children he employs in a nail manufactory, which yields already a considerable profit. The young and old negresses spin for the clothing of the rest. He animates them by rewards and distinctions; in fine, his superior mind directs the management of his domestic concerns with the same abilities, activity, and regularity, which he evinced in the conduct of public affairs, and which he is calculated to display in every situation of life."

The only incident relative to him, during this period, which we find recorded in the public documents of the day, was his unanimous election, as president of the American Philosophical Society, the oldest and most distinguished institution of the kind in the United States. The chair had

first been filled by the illustrious Franklin, the great and good patron of every thing, which tended to promote the learning, science, or happiness of his country; and by Rittenhouse, the most distinguished astronomer of the age. To be selected to succeed such men, on the very theatre of their reputation, and on principles which could not be influenced by the political feelings of the times, was an honour that no one could, or did, better appreciate than Mr. Jefferson. He was no inactive member; during the long period that he presided over the society, he promoted its views with the utmost zeal, occasionally contributed to its publications, and extended to it all the advantages which his public rank and private connexions, enabled him to afford.

The situation of the country did not, however, permit Mr. Jefferson long to enjoy the pleasures of a private life. General Washington had for some time contemplated a retirement from office, and in his farewell address to the people of the United States, he had, in the month of September, 1796, declined being considered any longer a candidate for it. The person in whom alone the voice of the whole nation could be united, having thus withdrawn, the two great parties respectively brought forward their chiefs. Mr. Jefferson was supported by the one, Mr. Adams by the other. In February, 1797, the votes for the first and second magistrates of the union were opened and counted in the presence of both houses; and the highest number appearing in favour of Mr. Adams, and the second in favour of Mr. Jefferson, the first was declared to be the president, and the second the vice president of the United States, for four years, to commence on the fourth day of the ensuing March. On that day, Mr. Jefferson also took the chair as president of the senate, and delivered to that body a short address, in which he expressed

his firm attachment to the laws and constitution of his country, and his anxious wish to fulfil, with correctness and satisfaction, the duties of the office to which he had been chosen.

During the four succeeding years, much of Mr. Jefferson's time was passed tranquilly at Monticello. From the nature of our constitution, there is little which can call the vice president into the prominent political duties of the government, unless he is required to fill the station of the chief magistrate. It is not, therefore, a matter of surprise, that during this period, we find but little notice of him among the public records of the day.

As, however, the time approached for a new election of a president, the republican party again selected Mr. Jefferson, as their candidate for the office, and with more success than on the preceding occasion. Yet an accident, arising from inattention to the constitution, went near to defeat the acknowledged wishes and intentions of the people, and to place in the executive chair, an individual to whom it was notorious no vote had been given for that station. The democratic party had elected Mr. Jefferson as president, and Mr. Burr as vice president of the United States, by an equal number of votes ; but, as the constitution required no specification of the respective office to which each was elected, they came before congress, neither having the majority required by law. Under these circumstances, the election devolved on the house of representatives, and the opponents of Mr. Jefferson, taking advantage of the occurrence, threw their votes into the scale of Mr. Burr. In the heat and violence of party, much may be excused, which calls down our severest animadversions in times of less excitement. Week after week, was the nation kept in suspense, while a contest was fiercely maintained,

by which it was attempted to raise to the highest office of the nation, a man who had not received a solitary vote from the people, in opposition to one, who for thirty years had been a distinguished member of their councils, who had held the highest offices of the government, who was fitted for the station alike by his experience, his services, and his virtues, and who, above all, was notoriously the choice of a majority of the nation. At length, after thirty-five ineffectual ballots, one of the representatives of the state of Maryland, made public the contents of a letter to himself, written by Mr. Burr, in which he declined all pretensions to the presidency; and authorized him to disclaim, in his name, any competition with Mr. Jefferson. On this specific declaration, on the part of Mr. Burr, two federal members, who represented the states which had heretofore voted blank, withdrew, and permitted the republican members from those states to become a majority; and, instead of putting a blank into the box, to vote positively for Mr. Jefferson. Consequently, on the thirty-sixth balloting, Mr. Jefferson was elected president. Colonel Burr became, of course, vice president.

On the fourth of March, 1801, Mr. Jefferson took the oath of office in the presence of both houses of congress, and delivered his inaugural address. He expressed in this, his sincere diffidence in his powers, properly to fulfil the task which his countrymen had assigned him; seeing, as he did, the honour, the happiness, and the hopes of his beloved country, committed to the issue and auspices of that day; and fully conscious of the magnitude of the undertaking, he indulged the hope, that as the contest of opinion had now been settled, by the rules of the constitution, all parties would unite, in common efforts for the common good; that harmony and affection, without which, liberty and even life itself are but

dreary things, might be restored to social intercourse; and that though called by different names, as all were in truth brethren of the same principle, the invidious distinctions of party might cease. He exhorted them, with courage and confidence, to pursue the principles of government they had adopted; a government which would restrain men from injuring one another, but leave them otherwise free to regulate their own pursuits of industry and improvement, and not take from the mouth of labour the bread it had earned. This, he said, was the sum of good government: and this necessary to close the circle of our felicities.

About to enter on the exercise of duties which comprehended every thing dear and valuable to his countrymen, he deemed it his duty, to state distinctly what he believed to be the essential principles by which his administration would be governed.—Equal and exact justice to all men, of whatever state or persuasion, religious or political:—peace, commerce, and honest friendship with all nations, entangling alliances with none:—the support of the state governments in all their rights, as the most competent administration for our domestic concerns, and the surest bulwarks against anti-republican tendencies:—the preservation of the general government in its whole constitutional vigour, as the sheet anchor of our peace at home, and safety abroad:—a jealous care of the right of election by the people, a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided:—absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism:—a well disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them:—the supremacy of the

civil over the military authority:—economy in the public expense, that labour may be lightly burdened:—the honest payment of our debts and sacred preservation of the public faith:—encouragement of agriculture, and of commerce as its handmaid:—the diffusion of information, and arraignment of all abuses at the bar of the public reason:—freedom of religion; freedom of the press; and freedom of person, under the protection of the habeas corpus:—and trials by juries impartially selected. “These principles form the bright constellation, which has gone before us, and guided our steps through an age of revolution and reformation. To the attainment of them,” he concludes, “have been devoted the wisdom of our sages and the blood of our heroes—they should be the creed of our political faith, the text of civic instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps, and to regain the road which alone leads to peace, liberty, and safety.”

It would not be consistent either with the character or length of this memoir, to enter into the details of the public measures of Mr. Jefferson while he occupied the presidential chair. His administration embraces a long and interesting period in the history of our country, distinguished by important measures, whose consequences have been felt in later periods, and which have led to results affecting, in no inconsiderable degree, the honour and prosperity of the nation. These are subjects which demand the research and deliberation of an acute historian; the present article aims to be nothing more than a cursory, though faithful biography.

In December, 1801, Mr. Jefferson sent his first message to both houses of the legislature. It had been the custom thus far, since the formation of the government, for the president to

deliver in person this communication to congress, and for that body to reply at once in a formal address. In the change now made by Mr. Jefferson, he appears to have had in view, at once, the convenience of the legislature, the economy of their time, their relief from the embarrassment of immediate answers on subjects not yet fully before them, and the benefits thence resulting to the public affairs. In these respects, its advantages have been so apparent, that it has been invariably adopted on every subsequent occasion.

In addition to these causes, there can be little doubt, however, that this was one of the modes adopted by Mr. Jefferson, to give a more popular feature to the administration. No one had had a better opportunity of perceiving the influence of forms, even trifling ones, in the affairs of government, or had entered more fully into the spirit of the age, for abolishing such as were useless. Indeed, in this respect, a wonderful revolution had taken place in the minds of all men, even in the short space that had occurred since the first organization of our government. At that time, from the force of ancient habits, it was scarcely possible to contemplate the administration of power, without those forms which were thought necessary to obtain for it a useful respect; and the first great chief of our country, had adopted such as united, according to the conceptions of his elevated mind, the dignity of power with republican simplicity. Many, however, can recollect with what rapidity, the whole train of ceremony and fashion in dress and manners was swept away; so that it was scarcely more than in accordance with the general feeling of the times, that Mr. Jefferson introduced this and other changes, which properly abolished all forms, beyond those of elevated private life, and that personal respect which will always be bestowed upon the man, whom

the choice of his country has pronounced, the first of its citizens.

In his message, Mr. Jefferson states, that the restoration of peace in Europe, had restored the friendly feelings of foreign nations, while it prevented any longer their violations of neutral rights. That our intercourse with the savage tribes on our own frontiers, was marked by a spirit of peace and friendship, advantageous and honourable at once to them and us. That with the African states, our affairs were in a situation less satisfactory, and such as demanded seriously the consideration, whether measures of offence should not be authorized. That at home our population was increasing in a very great ratio, our revenue so flourishing as to enable us to dispense with all internal taxation, the expenditures of the civil government reduced, a large portion of the public debt faithfully paid, and our agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, rapidly thriving. He recommends to their particular consideration, the disposal of the surplus in the military establishment, the general militia system, the increase of the navy, the expediency of erecting more fortifications of an expensive character, the judiciary system that had been lately established, and the extension of the laws relative to naturalization.

During the succeeding four years, the external policy of the country was pursued, so as to increase its prosperity and to secure its rights. The aggressions of the Tripolitans were gallantly and promptly chastized, and the attempts made by the agents of the Spanish government, to violate their treaties and deprive our citizens of the rights guaranteed to them, of navigating the Mississippi, were immediately noticed and repelled. The privileges, indeed, which had been

secured to the inhabitants of the western country, were of vital importance to its prosperity ; yet they had ever been the subject of jealousy and invasion. We have already seen, that during Mr. Jefferson's administration of the department of state, this was an object that engaged much of his attention. That attention he now renewed, and after considerable negotiation, it terminated in the purchase of Louisiana, one of the most important acquisitions ever made by the people of the United States. "Whilst the property and sovereignty of the Mississippi and its waters," to use Mr. Jefferson's own language, "secured an independent outlet for the produce of the western states, and an uncontrolled navigation through their whole course, free from collision with other powers, and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our treasury, an ample provision for our posterity, and a wide spread for the blessings of freedom and equal laws." On the twentieth December, 1803, the territory was formally surrendered to the United States by the commissioner of France.

During the same interval, the internal policy of the United States, underwent several important changes, all calculated to develop the admirable and peculiar nature of our institutions, and to support and preserve the principles on which they are founded. Measures were adopted for the speedy discharge of the public debt, thus early establishing among all nations, the credit and integrity of the new government. The judicial system, founded by those who formed the constitution, had been hastily departed from during the preceding administration ; it was now restored on its original plan, which was deemed more consonant to our institutions, and is still retained as the best, after all the change of circumstances and

parties. A salutary reduction was introduced into the habitual expenditures of the government, by curtailing the charges that arose from our diplomatic intercourse with foreign nations, and unnecessary agencies at home. Offices created by the executive, and tending to increase its influence, were voluntarily suppressed. And the president presented the unusual, but noble spectacle of a chief magistrate relinquishing power and patronage, where he could do so, and where he could not, seeking the aid of the legislature for the same honourable purpose. "Should you think it expedient," he says, in a message to them, "to pass in review the roll of public offices, and to try all its parts by the test of public utility, you may be assured of every aid and light which executive information can yield. Considering the general tendency to multiply offices and dependencies, and to increase expense to the ultimate term of burthen which the citizen can bear, it behoves us to avail ourselves of every occasion which presents itself for taking off the surcharge; that it never may be seen here, that after leaving to labour the smallest portion of its earnings, on which it can subsist, government shall itself consume the residue of what it was instituted to guard. In our care, too, of the public contributions intrusted to our direction, it would be prudent to multiply barriers against their dissipation, by appropriating specific sums to every specific purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object, or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money; and by bringing back to a single department, all accountabilities for money, where the examination may be prompt, efficacious, and uniform."

Nor was it only by political measures that the internal prosperity of the country was consulted and promoted. It is a charming feature in the life of Mr. Jefferson, that, amid all the occupations and absorbing interest of his political career, he never forgot, or neglected the cause of philanthropy and science. Like lord Bacon, his ambition prompted him to aim at the loftiest honours which his country could bestow, but yet the attachment which he had early formed to pursuits, less splendid if not less useful, seems to have lingered around his mind, during the busiest moments of public occupation, and to have been renewed, with fresh delight, in the leisure of private life. The purchase of Louisiana, afforded an opportunity for accomplishing a plan he had long formed, for a minute and scientific examination of the immense territory of the west, which spreads from the Mississippi to the Pacific. This measure he proposed to congress; and on its receiving their sanction, he appointed for the purpose, captain Lewis and lieutenant Clarke, two intelligent officers in the army of the United States. He drew up for them himself, a set of instructions pointing out to their attention, the various objects towards which their investigations would be most advantageously directed; the geography, the natural history, the climate, the resources, and the peculiarities of the region through which they were to pass; the numbers and situation of the various Indian tribes; the establishment of commercial and friendly relations with them; and the best means for accomplishing the objects of the expedition. It was attended with all the success that could be desired. The party embarked at St. Louis, in May, 1804; ascended the Missouri three thousand miles to the falls; thence crossed the Rocky Mountains, covered with perpetual snow, and after descending for four hundred miles by various streams, they reached the

navigable waters of Columbia river; the course of this they followed for six hundred and forty miles, until they arrived at the Pacific Ocean. They reached St. Louis, on their return, in September, 1806, after an absence, from all civilization, of more than twenty-seven months. The journey from St. Louis, was above four thousand miles; in returning, thirty-five hundred; making, in the whole, seven thousand five hundred miles. The mass of information collected in the expedition, was valuable and extensive; it was equally advantageous to the scientific and political institutions of the country; and it led the way for similar expeditions, each of which has proved the skill with which it was arranged, and the benefits that have arisen from it.

So much were the measures adopted by Mr. Jefferson, during the four years for which he had been chosen, approved by his country, that, as the period approached for a new election, his popularity increased more and more, and he was elevated to the presidency a second time, by a majority which had risen from eight votes to one hundred and forty-eight. During the course indeed of his administration, the press, in its full licentiousness, had been directed against him, and, as he observed himself, the experiment had been fully made, whether freedom of discussion, unaided by power, was not sufficient for the propagation and protection of truth. It had been fairly proved, he said, that a government conducting itself in the true spirit of its constitution, with zeal and purity, and doing no act which it would be unwilling the world should witness, could not be written down by falsehood and defamation; but that the people, aware of the latent source from which these outrages proceeded, would gather around their public functionaries, and when the constitution called them to the decision by suffrage, they would pronounce

their verdict, honourable to those who had served them, and consolatory to the friend of man, who believes he may be intrusted with his own affairs.

He entered a second time on the duties of his lofty station, deeply feeling the proof of confidence which his fellow citizens had given him. He asserted his determination to act up to those principles, on which he believed it his duty to administer the affairs of the commonwealth, and which had been already sanctioned by the unequivocal approbation of his country. "I do not fear," he said, in concluding his inaugural address, "I do not fear that any motives of interest may lead me astray; I am sensible of no passion which could seduce me knowingly from the path of justice; but the weaknesses of human nature and the limits of my own understanding will produce errors of judgment sometimes injurious to your interests; I shall need, therefore, all the indulgence I have heretofore experienced—the want of it will certainly not lessen with increasing years. I shall need too the favour of that Being in whose hands we are, who led our forefathers, as Israel of old, from their native land, and planted them in a country flowing with all the necessaries and comforts of life; who has covered our infancy with his providence, and our riper years with his wisdom and power."

Mr. Jefferson had scarcely entered on his office, before his attention was called to an event obviously calculated to destroy the domestic tranquillity of the country, if not the constitution and union itself. This was no other than what has been termed the conspiracy of colonel Burr. We have already mentioned the unforeseen accident, which had nearly elevated this gentleman to the presidency. Since that time he had aimed at the office of governor of the state of New York, without success, and at a recent election, had been

succeeded by Mr. Clinton, as vice president of the United States. Of an ardent and ambitious spirit, these disappointments seem to have urged him to some desperate enterprise, not consonant to his general duties as a citizen, if not expressly contrary to the laws of his country. Assuming the unfriendly measures of the Spanish government, on the south western frontier, as the cause or pretext of his conduct ; and holding out to the young and aspiring, the alluring idea of establishing in its provinces a new republic ; he succeeded in drawing many of his countrymen into his schemes. That his real views, however, extended beyond this, has been generally presumed, though what they precisely were, has never been known. Many believed that the enterprise, which, it was ascertained, was to originate in the western country, had for its object the separation of the states beyond the Alleghany Mountains, from their political connexion with those on the Atlantic border ; and by uniting them with the territories on the western bank of the Mississippi, the formation of a distinct and independent empire. Whatever may have been the ultimate object of his plans, as soon as Mr. Jefferson received information that a number of private individuals were combining together, arming and organizing themselves contrary to law, with the avowed object of carrying on some military expedition against the territories of Spain ; he took measures without delay, by proclamation as well as by special orders, to prevent and suppress the enterprise, to seize the vessels, arms, and other means provided for it, and to arrest and bring to justice its authors and abettors. His scheme being thus discovered and defeated, colonel Burr fled ; but was eventually apprehended on the Tombigbee, and escorted as a prisoner of state, under the guard of a military officer, to Richmond in Virginia. On his arrival

in that city, he was delivered over to the civil authority, by virtue of a warrant from the chief justice of the United States, grounded on charges of a high misdemeanor, in preparing and setting on foot, within their territories, a military expedition, to be carried thence, against the dominions of the king of Spain, with whom we were at peace; and also, of treason against the United States. At the close of a long examination of witnesses, he was bound over to take his trial on the first charge, the chief justice not deeming the evidence of an overt act of treason, sufficient to justify a commitment on the latter. On the seventeenth of August, 1807, he was brought to trial. Several days were consumed in the examination of witnesses, and in the discussion of the law of treason, as it arose out of the constitution. The assemblage of the individuals was proved; but the evidence was not legally sufficient to establish the presence of colonel Burr, or the use of any force against the authority of the United States. The consequence was the acquittal of the prisoners. On the meeting of congress, a few months after, Mr. Jefferson laid before them the proceedings and evidence which had been exhibited at the trial. From these, he stated to them, they would be enabled to judge whether the defect was in the testimony, in the law, or in the administration of the law, and wherever it should be found, the legislature alone could apply or originate the remedy. The framers of our constitution certainly supposed they had guarded, as well their government against destruction by treason, as their citizens against oppression, under pretence of it, and if these ends were not attained, it was of importance to inquire by what means more effectual they might be secured.

The foreign relations of the country, however, at this period, involved questions of infinitely greater importance, than any which arose from its domestic troubles. Nearly the whole revenue of the United States then depended on its external commerce; the situation of the world rendered that commerce as lucrative as it was extensive; and every act which affected its prosperity, was a vital injury to the welfare of the country.

It would at this moment be more than useless, to enter into the numerous aggressions which had been committed on the rights, character, and commerce of the United States, both by Great Britain and France, from the commencement of the war between them in 1793, or to rake from their ashes, the innumerable facts, and still more innumerable controversies, to which they gave rise, not only between those nations and the United States, but among the citizens of the last, according to the light in which they viewed the conduct of the two great parties. It is sufficient to recollect, that from the commencement of the war, both the great belligerent powers seemed to view the United States as a country, to which that course of conduct was to be dictated as neutral, which was congenial to their own views or interests, and each assumed the right to punish in the neutral, what it chose to consider as favour to its enemy. In fact, each presuming on the weakness of the United States to defend its property on the seas, had inflicted upon them the most severe and unprincipled aggressions. Which nation exceeded the other in violence of conduct or in want of principle, although a great party question at the time, it is now perhaps unnecessary to inquire; in the early part of the war, when both were powerful on the ocean, both had resort to open and avowed national acts, which, followed up by the spirit of plunder in their navies,

and the insatiable thirst for privateering, had at times nearly swept the American commerce from the ocean ; and this was accompanied by innumerable seizures under the most aggravating circumstances. All these, however, had been parried by the government of the United States, partly from a sense of the deplorable consequences, which, in its infant establishment, must have attended a war with either of the belligerents, and partly from the great advantages that attended its neutral situation and extensive commerce, even under all the injuries it sustained. The period that had elapsed, therefore, from the beginning of the war between Great Britain and France, to the presidency of Mr. Jefferson, had been consumed in a series of remonstrances and negotiations between the United States and the belligerents, which in no inconsiderable degree raised the character of the former, though they did not settle the great principles on which their neutrality and commerce were to be regulated and respected.

The object and scene of conflict, however, had now materially changed. France and the nations who took part with her, had by this time lost their colonies, and been swept from the seas, of which Great Britain remained the powerful mistress ; while, on the other hand, she had been driven from the continent by the ascendancy of France. In this situation, with the predominance of one by land and of the other on the ocean, the points of contact remained but few, while the animosity of each, attempted to wound the other in every assailable point ; England by subsidizing the powers of the continent, and France by a war of extermination against British commerce.

This contest produced, as is well known, a new scene of boundless depredation, under a new series of hostile recriminating acts, of which, whatever was the effect upon the par-

ties themselves, the destruction of all neutral commerce was the obvious consequence. To neutral nations, therefore, and to the United States, as almost the only one in existence, this great principle became established, that as both the belligerents had violated every principle of justice, the causes of war against both were numerous and obvious, and the choice was left to the neutral to begin it with both or either, according to its own interest, leaving that party to complain of partiality or injustice, which should first act justly itself.

In this situation, all those nice calculations which might otherwise have been made, and which prevailed largely at the time, as to the equality of conduct to be maintained towards the belligerent powers, became in a great degree lost, and it is obvious, a nice balance on the subject could not be pursued. If the violence of the hostile decrees was to be judged by their temper and spirit, both were excessively injurious. But a great difference existed in the power to execute them; the acts of France, however severely carried into effect, within the limits it could command, were confined in their operation, while the scope for injury by Great Britain was boundless; and, of course, it was with her during all the war, but particularly the latter stage of it, that collisions became more frequent, and the measures of the United States more prominent, so much so, that this very circumstance gave a tinge to the character of the transactions themselves.

It is certain, however, that there were some circumstances which, independent of the serious injury common to both the belligerents, were peculiar to the situation of the United States and Great Britain with each other, particularly the right of searching neutral ships for enemy's goods, the revival of what was called the rule of war of 1756, prohibiting neutrals from trade which they had not enjoyed in time of

peace, and the search for, and impressment of English subjects and seamen. The first of these had been conceded by the United States, in their first treaty with England, and again in Mr. Jay's treaty, while it had not been admitted in the treaties with France; the second had been in some degree modified in the negotiations with England; but the third was a measure so important to both parties, upon principles so directly opposite to each other, as to constitute in itself alone a cause of disquietude, the most aggravating of all others. Bitterly, indeed, did it come home to the feelings of the people of the United States, that their vessels should be searched on the seas to determine the character of their citizens, that such determination should be left to ignorant or unprincipled officers, and those citizens themselves taken by force to fight the battles of other nations, beyond the protection of their own government and laws, deprived of their natural rights and the inherent liberty of their country.

All these had for a long time previous, been the subjects of continual but unavailing negotiation, in common with the general causes of complaint against both nations, and had produced some hostilities, particularly those with France, during Mr. Adams's administration. Upon the accession of Mr. Jefferson, however, the foreign relations of the United States reposed upon the recent peace with France in 1800, and Mr. Jay's treaty with England, and these were soon followed by the general peace of Amiens, when our government had only to prosecute its demands for the injuries and spoliation its citizens had sustained. Of these, a part of what was claimed from France, was obtained by the purchase of Louisiana, and the rest, with the claims on England and

other countries, remained in common, with all other sources of complaint, the subject of negotiation.

Upon the rupture of the peace of Amiens, the ships of the United States became again the carriers of the world, and its commerce as unbounded as before. In this situation, it was in the highest degree the interest, as it was before the desire of the people, to pursue a course of rigid neutrality, and Mr. Jefferson declared it their policy to cultivate the friendship of the belligerent nations, by every act of justice and innocent kindness; to receive their armed vessels with hospitality from the distresses of the sea, but to administer the means of annoyance to none; to establish in our harbours such a police as might maintain law and order; to restrain our citizens from embarking individually in a war in which their country took no part; to punish severely those persons, citizen or alien, who should usurp the cover of our flag for vessels not entitled to it, infecting thereby with suspicion those of real Americans, and involving us in controversies for the redress of wrongs not our own; to exact from every nation the observance, towards our vessels and citizens, of those principles and practices which all civilized people acknowledge; to merit the character of a just nation, and maintain that of an independent one, preferring every consequence to insult and habitual wrong.

The justice of these principles was not, as it could not be denied; but the practice of them was soon put to a severe trial, by the aggressions of the belligerent powers, which seemed to increase with their vindictiveness against each other, and the prosperous commerce and situation of the United States. The attacks and depredations renewed against their colonial trade, as a war in disguise, by the impressment of their seamen, by robberies on their coasts and

harbours, and by the revival of all the hostile forms in which they had been harassed before, became so numerous and galling during the years 1804 and 1805, as to induce Mr. Jefferson to resort in some instances to force, to repel them. In December of the latter year, seconded by numerous remonstrances from the people, he called the attention of congress pointedly to the subject. "Our coasts," he remarks, "have been infested, and our harbours watched, by private armed vessels, some of them without commissions, some with illegal commissions, others with those of legal form, but committing piratical acts beyond the authority of their commissions. They have captured in the very entrance of our harbours, as well as on the high seas, not only the vessels of our friends, coming to trade with us, but our own also. They have carried them off under pretence of legal adjudication, but, not daring to approach a court of justice, they have plundered and sunk them by the way, or in obscure places, where no evidence could arise against them, maltreated the crews, and abandoned them in boats, in the open sea, or on desert shores, without food or covering.

"The same system of hovering on our coasts and harbours, under colour of seeking enemies, has been also carried on by public armed ships, to the great annoyance and oppression of our commerce. New principles too have been interpolated into the law of nations, founded neither in justice, nor the usage or acknowledgment of nations. According to these, a belligerent takes to itself a commerce with its own enemy, which it denies to a neutral, on the ground of its aiding that enemy in the war. But reason revolts at such an inconsistency; and the neutral having equal right with the belligerent to decide the question, the interests of our constituents, and the duty of maintaining the authority of

reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine, so injurious to the rights of peaceable nations.”

It was from these causes that a line of policy was adopted, which, though it had been in some degree that of his predecessors, and particularly of general Washington, may be considered, in the manner it was now exercised, as a distinguished feature of Mr. Jefferson’s administration. It was to prepare the country for domestic defence, but to do so rather by shutting it up from foreign intercourse, than by exposing it to war; and in the mean time to try the full effect of negotiation, and to exercise yet a little longer forbearance under our numerous injuries. Accordingly, the measures adopted by the government in the early part of 1806, were those for the defence of the ports and coasts, and of the country itself in case of need, the act called the non-importation act, and the appointment of commissioners to negotiate abroad, particularly of Mr. Pinckney, who was united with Mr. Monroe, the then resident minister in London.

It does not appear that any of the measures thus adopted, gave umbrage abroad; on the contrary, Mr. Pinckney, writing on the spot soon after his arrival, with a full knowledge of the temper of the government, and its effect upon England, pronounced the non-importation act a wise and salutary measure. His negotiations, indeed, though rendered unavoidably slow, were proceeding with prospects somewhat more favourable, when Bonaparte, stimulated as it should seem by the unlimited power of Great Britain on the seas, and the boundless depredations she committed in consequence of it, and perhaps by a jealousy of the negotiations pending in England, issued his decree of the twenty-first of November from Berlin.

This, however, did not prevent the continuance of the negotiation, and the completion of a treaty in December, though it was accompanied by a declaration, that it should not preclude a right of retaliation ; on the contrary, that right was almost immediately exercised by the British orders in council of January, 1807.

As the treaty with England contained little or no remedy for former injuries, and no sufficient stipulation against their renewal, added to the new causes which the hostile decrees had elicited, it was not confirmed by Mr. Jefferson ; but still anxious for the line of policy he had adopted, and not to close the door against friendly adjustment, the commissioners were directed to resume their negotiations, with some further concessions on the part of the United States, and equal steps were pursued for accommodations with France.

While reposing, however, with confidence on this new reference to amicable discussion, an act was committed, which aroused the outraged feelings of the whole nation. On the twenty-second of June, 1807, by a formal order from a British admiral, the frigate Chesapeake, leaving her port for a distant service, was attacked by one of those vessels which had been lying in our harbours under the indulgences of hospitality, was disabled from proceeding, and had several of her crew killed, and four taken away. On this outrage, no commentaries are necessary. Its character has been pronounced by the indignant voice of our citizens, with an emphasis and unanimity never exceeded. A proclamation was immediately issued by Mr. Jefferson, requiring all British vessels bearing the royal commission to depart, and forbidding all to enter the waters of the United States. Satisfaction and security for the outrage were promptly demanded ; an armed vessel of the United States was sent directly to London, with in-

structions to our ministers on the subject; and congress did not hesitate to declare it a flagrant violation of our jurisdiction, of which a parallel was scarcely to be found in the history of civilized nations, and which, if not disavowed, was just cause of instant and severe retaliation.

The British government immediately disavowed the act of the officer by whom it had been committed, and voluntarily made an offer of reparation, which was afterwards carried into effect. Scarcely, however, was this one act of injustice and aggression atoned for, when it was followed by another. In November of the same year, 1807, orders were issued by the king in council, wherein he prohibited all commerce between America and the ports of his enemies in Europe, unless the articles had been first landed in England, and duties paid for their re-exportation; and declared that a certificate from a French consul, of the origin of articles, should render the vessel in which they were, liable to condemnation. The ground on which it was attempted to justify these measures, was a retaliation for the course adopted by the French government relative to neutral commerce; a pretext alike frivolous and unfounded. It was not denied that France had pursued a course quite unjustifiable; but yet, even supposing what has been uniformly denied, that the measures against America were first adopted by that nation, it is hard to imagine by what process of reasoning those measures could justify an attack on the acknowledged rights of a nation, that was no partner in their adoption, and to whose interests they were vitally inimical.

As appeal to justice and national law was thus made in vain, America had now no alternative left, but abject submission or decided retaliation. Yet it was difficult to know by what means this retaliation could be effected. Two only sug-

gested themselves, a declaration of war, or a suspension of commerce on the part of the United States. The unsettled state of the world at that period, the peculiar and extraordinary situation in which this country was placed, the necessity, if hostilities were resorted to, of making it at the same time against the two most powerful nations of the world, the peaceful habits, the limited resources, and the uncertain issue, were all just causes of hesitation in choosing the more decided alternative; and although there could be no doubt that its adoption would injure, if it did not destroy an extensive and valuable commerce, yet that commerce would almost equally suffer from the ravages of unavenged and unnoticed aggression. Under these circumstances, on the eighteenth December, 1807, Mr. Jefferson recommended to congress an inhibition of the departure of our vessels from the ports of the United States, and on the twenty-second of the same month an act was passed by them, laying a general embargo.

This measure, the most prominent feature in the administration of Mr. Jefferson, was not adopted, as may well be supposed, without much opposition from those whose views of policy were different from his own; yet at this period, when much of the violence of party has subsided, and subsequent events have shown the effect of such a measure, it seems difficult to imagine what better course could have been pursued, in the situation of the country at that period. Surely a tame submission was not to be thought of, but even if it had been, to the total sacrifice of our national honour, yet in no point of view could it have saved the suffering commerce of the nation. The experiment of negotiation had been made year after year without success; private and public rights had been infringed with impunity; and Ame-

rica must have consented to become the willing and unresisting victim of commercial despotism, to be despised and trampled on in future, whenever Europe should choose to pursue her schemes of commercial aggrandizement. With most nations; and under ordinary circumstances, the appeal to war would have been as prompt as the injury was unjustifiable; but the government, interests, and situation of America required the exertion and failure of every other alternative, before that was resorted to. Under these circumstances, the embargo presented itself as a measure of retaliation, if not decisive at least preparatory. It could only be injurious to the commercial interests of the nation, already in a situation scarcely capable of greater injury. It left open equally the means of farther negotiation and the power of resorting to war, while it showed to foreign nations the decided spirit which animated our councils, and inflicted no inconsiderable blow on their interests.

On these grounds it was recommended by Mr. Jefferson, and certainly promised at least temporary success. The interesting letters which have lately been given to the world, in the biography of one of our most distinguished citizens, then ambassador in London, seem to place this circumstance beyond question. Very shortly after its establishment, in writing from England, he observes, "It is apparent that we gain ground here. The tone is altered. The embargo has done much, although its motives are variously understood. Some view it with doubt and suspicion. The government appears to put a favourable construction upon it; and all agree that it is highly honourable to the sagacity and firmness of our councils. Events which you could only conjecture when the measure was adopted, have already made out its justification beyond the reach of cavil." "To repeal the

embargo," he observes, in a subsequent letter, "would be so fatal to us in all respects, that we should long feel the wound it would inflict, unless indeed some other expedient, as strong at least, and as efficacious in all its bearings, can (as I fear it cannot) be substituted in its place. On the other hand," he adds, "if we persevere, we must gain our purpose at last. By complying with the little policy of the moment, we shall be lost. By a great and systematic adherence to principle, we shall find the end to our difficulties. The embargo and the loss of our trade are deeply felt here, and will be felt with more severity every day. The wheat harvest is like to be alarmingly short, and the state of the continent will augment the evil. The discontents among the manufacturers are only quieted for the moment by temporary causes. Cotton is rising, and soon will be scarce. Unfavourable events on the continent will subdue the temper unfriendly to wisdom and justice, which now prevails here. But above all, the world will, I trust, be convinced that our firmness is not to shaken. Our measures have not been without effect. They have not been decisive, because we have not been thought capable of persevering in self-denial, if that can be called self-denial, which is no more than prudent abstinence from destruction and dishonour."

Mr. Jefferson was so far destined, ere his retirement, to behold the success of his plans, that in January, 1809, after the embargo had existed a year, overtures were made by Mr. Canning to Mr. Pinckney, which indicated a disposition on the part of the British government, to recede from the ground they had taken. These overtures were succeeded by negotiations, which at last terminated in the repeal of some of the most objectionable features of the orders in council. On this event Mr. Pinckney remarks—"Our triumph

is already considered as a signal one by every body. The pretexts with which ministers would conceal their motives for a relinquishment of all which they prized in their system, are seen through; and it is universally viewed as a concession to America. Our honour is now safe, and by management we may probably gain every thing we have in view."

To trace out, however, the results to which Mr. Jefferson's policy led, not only in these but in other circumstances; and especially to pursue the history of our various negotiations and differences with Great Britain, arising from it, and ultimately resulting in a conflict honourable and advantageous to the United States, is reserved, not for the present biographer, but for him who shall record the life of the amiable and patriotic statesman by whom he was shortly succeeded. To him, as he had been his early pupil, and afterwards his personal friend and political supporter, was left the task of bringing to a termination that series of political measures, in the midst of which the retirement of Mr. Jefferson from public life, obliges us abruptly to break off.

The period had now arrived, when he was desirous to close for ever his political career; he had reached the age of sixty-five years; he had been engaged almost without interruption for forty years in the most arduous duties of public life; and had passed through the various stations, to which his country had called him, with unsullied honour and distinguished reputation; he now, therefore, determined to leave the scene of his glory, while its brightness was unobscured by the unavoidable infirmities of age; and to spend the evening of his days in the calmness of domestic and philosophical retirement. In his message to congress he alluded to this determination, and took leave of them in the following language.

"Availing myself of this, the last occasion which will occur

of addressing the two houses of the legislature at their meeting, I cannot omit the expression of my sincere gratitude, for the repeated proofs of confidence manifested to me by themselves and their predecessors, since my call to the administration, and the many indulgences experienced at their hands. The same grateful acknowledgments are due to my fellow citizens generally, whose support has been my great encouragement under all embarrassments. In the transaction of their business, I cannot have escaped error. It is incident to our imperfect nature. But I may say with truth, my errors have been of the understanding, not of intention; and that the advancement of their rights and interests has been the constant motive of every measure. On these considerations I solicit their indulgence. Looking forward with anxiety to their future destinies, I trust, that in their steady character, unshaken by difficulties, in their love of liberty, obedience to law, and support of public authorities, I see a sure guarantee of the permanence of our republic; and retiring from the charge of their affairs, I carry with me the consolation of a firm persuasion, that Heaven has in store for our beloved country, long ages to come of prosperity and happiness."

From this period, with the exception of excursions which business required, Mr. Jefferson resided altogether at Monticello. Into the retirement of his domestic life, we have not, unfortunately, the means of penetrating. It is reserved for some other pen—and we indulge the hope that it may have been his own—to portray the pursuits, the studies, and the thoughts which engaged his active and intelligent mind, during the long period that passed away, after he withdrew from public life. He indeed appeared occasionally before his countrymen, by publications of his private

correspondence, which proved the same purity of intention, the same earnest zeal in the promotion of liberal opinions, and the same intelligence, forethought, and firmness which distinguished the actions of his earlier life. He was called forward from time to time, by the repeated anxiety of his countrymen to connect him with the rising institutions, which have been formed to promote science, taste, and literature. And above all, he was sought out in his retirement by strangers from every foreign nation, who had heard of and admired him; and by the natives of every corner of his own country, who looked upon him as their guide, philosopher, and friend. His home was accordingly the abode of hospitality, and the seat of dignified retirement; and while he thus forgot the busy times of his political existence, in the more calm and congenial pleasures of learning and science, Monticello might remind us of the scene where the Roman sage, deserting the forum and the senate, discoursed beneath his spreading plane tree, on the rights and duties of man—*rura nemusque sacrum dilectaque jugera musis*.

It was not, however, to his private cares, and enjoyments alone, that these years of retirement were devoted by Mr. Jefferson. They were largely shared by the public interests of science and letters, particularly in the improvement of education in his native state, and the establishment of a noble university, which was commenced by his own private donations, and those he could obtain from his friends, and on which, even after it became a national object, he bestowed the greatest zeal and labour during the remainder of his life. Soon after his return to Monticello, when the formation of a college in his neighbourhood was proposed, he addressed a letter to the trustees, in which he sketched a plan for the establishment of a general system of education in Virginia.

This appears to have led the way to an act of the legislature in the year 1818, by which commissioners were appointed, with authority to select a site and form a plan for a university, on a scale of great magnificence. Of these commissioners, Mr. Jefferson was unanimously chosen the chairman, and on the fourth of August, 1818, he framed a report embracing the principles on which it was proposed the institution should be formed. The situation selected for it was at Charlottesville, a town at the foot of the mountain on which Mr. Jefferson resided. The plan was such as to combine elegance and utility with the power of enlarging it to any extent, which its future prosperity may require. The instruction extended to the various branches of learning, which a citizen will require in his intercourse between man and man, in the improvement of his morals and faculties, and in the knowledge and exercise of his social rights. Such an education, Mr. Jefferson observes, “ generates habits of application and the love of virtue ; and controls, by the force of habit, any innate obliquities in our moral organization. We should be far too from discouraging persuasion, that man is fixed, by the law of his nature, at a given point ; that his improvement is a chimæra, and the hope delusive of rendering ourselves wiser, happier, or better than our forefathers were. We need look back only half a century, to times which many now living remember well, and see the wonderful advances in the sciences and arts which have been made within that period. Some of these have rendered the elements themselves subservient to the purposes of man, have harnessed them to the yoke of his labours, and effected the great blessings of moderating his own, of accomplishing what was beyond his feeble force, and of extending the comforts of life to a much enlarged circle, to those who had be-

fore known its necessities only. That these are not the vain dreams of sanguine hope, we have before our eyes real and living examples. What, but education, has advanced us beyond the condition of our indigenous neighbours? and what chains them to their present state of barbarism and wretchedness, but a bigoted veneration for the supposed superlative wisdom of their fathers, and the preposterous idea that they are to look backward for better things and not forward, longing, as it should seem, to return to the days of eating acorns and roots, rather than indulge in the degeneracies of civilization? And how much more encouraging to the achievements of science and improvement is this, than the desponding view that the condition of man cannot be ameliorated, that what has been must ever be, and that to secure ourselves where we are, we must tread, with awful reverence, in the footsteps of our fathers. This doctrine is the genuine fruit of the alliance between church and state, the tenants of which, finding themselves but too well in their present position, oppose all advances which might unmask their usurpations, and monopolies of honours, wealth, and power, and fear every change, as endangering the comforts they now hold." The report then proceeds to state the various arrangements which should be adopted, for the conduct of so extensive an institution; and concludes with a statement of its financial situation. The plan thus proposed was adopted by the legislature. Mr. Jefferson was elected the rector of the new institution, and from that period he devoted himself with unceasing ardour to carry it into effect. Nothing indeed could exceed his fond desire for its success. It appeared to be the object of all his hopes and thoughts in the declining years of his life. He rode every morning when the weather would permit, to inspect its progress; he prepared with

his own hands, the drawings and plans for the workmen ; he stood over them as they proceeded with a sort of parental care and anxiety ; and when the inclemency of the season or the infirmity of age prevented his visits, a telescope was placed on a terrace near his house, by means of which he could inspect the progress of the work. After its completion, he might often be seen pacing slowly along the porticoes or cloisters which extend in front of the dormitories of the students, occasionally conversing with them, and viewing the establishment with a natural and honourable pride. In the library is carefully preserved the catalogue written by himself, in which he has collected the names, best editions, and value of all works of whatever language, in literature and science, which he thought necessary to form a complete library, and in examining it one is really less struck with the research and various knowledge required for its compilation, than the additional proof of that anxious care, which seemed to search out all the means of fostering and improving the institution he had formed.

It is painful to turn from this pleasing picture, to the scenes of worldly suffering, from which no human lot is entirely exempt. Although the virtues and fame of Mr. Jefferson shed a bright lustre around the evening of his days, it was destined to be obscured by an incident which, however desirable we might be to pass over, must not remain unnoticed in the history of his life. In every age and country it has been too often the lot of those who have devoted, with thoughtless generosity, to the service of their fellow creatures, the zeal of youth and the experience of maturer years, to find themselves at last in their old age, doomed to poverty which they have no longer the ability to repel. An honourable poverty, incurred in the performance of public duties, or private gene-

rosity, unsullied by extravagance, and unattended by crime, will redound to the honour, never to the disgrace of him who has the misfortune to endure it. With Mr. Jefferson it is difficult to imagine how it could have been avoided. For more than fifty years he had been actively engaged in public office, generally at a distance from his own estate; and though his patrimony was originally large, it could not but be impaired by this unavoidable neglect. In retiring from the exalted station he had enjoyed, he did not enter on a less conspicuous scene; he had become identified as it were with the greatness and glory of his country, he was the object of attraction to crowds of anxious and admiring guests, and unless by coldly closing his doors, it was impossible to limit the expenses he was thus obliged to incur.

To relieve him from the embarrassment in which he was thus involved, an act of the legislature of Virginia was passed in the spring of 1826, by which he was authorized to dispose of his estates by lottery, in order that a fair price for them might be obtained. Whether this tardy measure was becoming to the character of a high minded state; whether such was the manner in which she should have relieved the wants of a citizen, to whom it is acknowledged she was mainly indebted for what is most valuable in her government, her laws, and her institutions, and who had equally devoted to her, his youth, his manhood, and his hoary age—it is not for us to determine.

But few more incidents remain to be told of the eventful life of this great man. The full vigour of his mind, indeed, remained unimpaired, at least until a very short period before he fell into the grave. The year 1826 being the fiftieth since the establishment of our independence, it was determined universally throughout the United States, to celebrate it as a

jubilee with unusual rejoicing ; preparations to this end were made in every part of the country ; and all means were taken to impart to the celebration, the dignity which was worthy of the country and the event. The citizens of Washington, the metropolis of the nation, among other things invited Mr. Jefferson, as one of the surviving signers of the Declaration of Independence, to unite with them in their festivities ; this request he was obliged to decline ; but the letter in which he signified his regret, is left to us as a monument of his expiring greatness. On the twenty-fourth of June, when the hand of death was already upon him, he expressed in this letter all those characteristic sentiments which through life had so strongly marked him—the delight with which he looked back to the period, when his country had made its glorious election between submission and the sword—the joy he felt in its consequent prosperity—the hope he indulged, that the time would yet come when civil and religious freedom should bless all the world—his ardent wish, that the return of that day should keep fresh in us the recollection of our rights, and increase our devotion to them, and the affectionate remembrance with which he dwelt on the kindness he had experienced from his fellow citizens. He thus addresses the mayor of Washington—“Respected Sir : The kind invitation I received from you, on the part of the citizens of the city of Washington, to be present with them at their celebration of the fiftieth anniversary of American independence, as one of the surviving signers of an instrument, pregnant with our own, and the fate of the world, is most flattering to myself, and heightened by the honourable accompaniment proposed for the comfort of such a journey. It adds sensibly to the sufferings of sickness, to be deprived by it of a personal participation in the rejoicings of that day ; but

acquiescence under circumstances is a duty not placed among those we are permitted to control. I should, indeed, with peculiar delight, have met and exchanged there, congratulations, personally, with the small band, the remnant of the host of worthies who joined with us, on that day, in the bold and doubtful election we were to make for our country, between submission and the sword; and to have enjoyed with them the consolatory fact that our fellow citizens, after half a century of experience and prosperity, continue to approve the choice we made. May it be to the world, what I believe it will be, (to some parts sooner, to others later, but finally to all,) the signal of arousing men to burst the chains, under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government. The form which we have substituted, restores the free right to the unbounded exercise of reason and freedom of opinion. All eyes are opened, or opening, to the rights of man. The general spread of the lights of science, has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favoured few, booted and spurred, ready to ride them legitimately, by the grace of God. These are grounds of hope for others; for ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them. I will ask permission here, to express the pleasure with which I should have met my ancient neighbours of the city of Washington and its vicinities, with whom I passed so many years of a pleasing social intercourse—an intercourse which so much relieved the anxieties of the public cares, and left impressions so deeply engraved in my affections, as never to be

forgotten. With my regret that ill health forbids me the gratification of an acceptance, be pleased to receive for yourself, and those for whom you write, the assurance of my highest respect and friendly attachments."

Soon after this letter was written, the indisposition of Mr. Jefferson assumed a more serious character. He had been for some time ill, though it was not until the twenty-sixth of June that he was obliged to confine himself to his bed. The strength of his constitution, and freedom from bodily pain, for a short time encouraged the hope that his illness was merely temporary. He himself, however, felt the conviction that his last hour was approaching. He had already lived beyond the limits ordinarily assigned to human existence, and for some months past, the whole tone of his conversation showed that he was looking forward to its termination, with a calmness and equanimity worthy of his past life. "I do not wish to die," he was in the habit of saying to the intimate friends around him, "but I do not fear to die. Acquiescence under circumstances is a duty we are permitted to control." He declared, that could he but leave his family unembarrassed, and see the child of his old age, the university, fairly flourishing, he was ready to depart—*nunc dimittis Domine*, the beautiful ejaculation of the Hebrew prophet, was his favourite quotation.—May God and his country grant the fulfilment of his dying wishes. On the second of July, the complaint with which he was afflicted, left him; but his physician expressed his fears that his strength might not prove sufficient to restore him from the debility to which it had reduced him; conscious himself that he could not recover, and free from all bodily and apparently from all mental pain, he calmly gave directions

relative to his coffin and his interment, which he requested might be at Monticello without parade or pomp; he then called his family around him, and conversed separately with each of them; to his beloved daughter, Mrs. Randolph, he presented a small morocco case, which he requested her not to open until after his death—when the sad limitation had expired, it was found to contain an elegant and affectionate strain of poetry, on the virtues of her from whom he was thus torn away. On Monday, the following day, he enquired of those around him with much solicitude, what was the day of the month; they told him it was the third of July; he then eagerly expressed his desire that he might be permitted to live yet a little while, to breathe the air of the fiftieth anniversary. The wish was granted—the Almighty hand sustained him up to the very moment when his wish was complete; and then bore him to that world, where the pure in heart meet their God.

Those who are now alive, will never forget the deep sensation which the intelligence of this event produced, in every part of the United States. The public honours every where lavished, were not, in this case, the mere mockery of wo; but they found a correspondent feeling in the heart of every citizen. It scarcely required the indulgence of superstition or enthusiasm to see, in the extraordinary coincidence which marked the last hours of Mr. Jefferson, the directing hand of heaven; and in this lesson America had again reason to bless that Almighty power, which had so often seemed in days of adversity, specially to guide her through apparently unconquerable perils, and in days of prosperity to shower down upon her people, in the yet short period of their existence, what other nations have been unable to attain to in the long lapse of time.

In pursuing the ordinary duties of a biographer ; the personal and political character of Mr. Jefferson should now claim our notice ; yet it is with conscious inability, that we undertake the task. The memory of his public services, his many virtues, and his excellent and amiable life, are so fresh in our recollections, that to speak of him as we feel, may bear the appearance of panegyric rather than the dispassionate judgment of biography. The record of his actions, however, is a test to which all may appeal ; and if in any thing our opinions should be deemed erroneous, to that record let the appeal be made—as they are the surest, so are they the noblest monument he has left.

Mr. Jefferson expired at Monticello, at ten minutes before one o'clock on the fourth of July, 1826 ; within the same hour at which fifty years before, the declaration of independence had been promulgated. At this time he had reached the age of eighty-three years, two months, and twenty-one days. In person he was six feet two inches high, erect and well formed, though thin ; his eyes were light, and full of intelligence ; his hair very abundant, and originally of a yellowish red, though in his latter years, silvered with age. His complexion was fair and his countenance remarkably expressive ; his forehead broad, the nose not larger than the common size, and the whole face square and expressive of deep thinking. In his conversation he was cheerful and enthusiastic ; and his language was remarkable for its vivacity and correctness. His manners were extremely simple and unaffected, mingled however with much native, but unobtrusive dignity.

In his disposition, Mr. Jefferson was full of liberality and benevolence ; of this the neighbourhood of Monticello affords innumerable monuments, and on his own estate, such was

the condition of his slaves, that in their comforts his own interests were too often entirely forgotten. Among his neighbours he was esteemed and beloved in an uncommon degree, and it is almost incredible with what respect his sentiments and opinions were regarded ; a stranger travelling in the neighbourhood of Charlottesville, hears even yet constant allusions to his habits and actions, and his name is scarcely mentioned without that expression of veneration, which is the reward of private worth, even more than of public service. He possessed uncommon fortitude and strength of mind, with great firmness and personal courage ; in forming his opinions he was slow and considerate, but when once formed, he relinquished them with great reluctance ; his equanimity and command of temper were such, that his oldest friends have remarked that they never saw him give way to his passions ; by his domestics he was regarded with all the warmth of filial affection. His attachment to his friends was warm and unvarying ; his hospitality was far beyond his means, and left him, as we have seen, in his old age the victim of unexpected poverty.

The domestic habits of Mr. Jefferson were quite simple. His application was constant and excessive. He rose very early, and after his retirement from public life, devoted the morning to reading and to his correspondence, which was varied and extensive to a degree, that in his latter years became exceedingly troublesome. He then rode for an hour or two, an exercise to which he felt all the characteristic attachment of a Virginian, and which he continued until a very short period before his death ; the horse he used was young, and not remarkably gentle, nor could he be prevailed on to allow the attendance of servants, even to the last. After dinner he returned to his studies with fresh ardour, and then

devoting his evening to his family, retired to bed at a very early hour.

The studies of Mr. Jefferson were extended to almost every branch of literature and science. He was the father of some, and the patron of many of the institutions of his country for their promotion. He was said to be a profound mathematician, and was in the habit of obtaining from France, up to the day of his death, the most abstruse treatises on that branch of science. His acquaintance with most of the modern languages was minutely accurate ; he was a profound Greek scholar, having devoted himself during his residence in Europe to an extensive and thorough study of that language ; and he is said to have cultivated a knowledge of those dialects of northern Europe, growing out of the Gothic, which are so closely connected with our own language, laws, customs, and history.

So much has been necessarily said, in recording the occurrences of Mr. Jefferson's life, that a summary of his general character is reduced within very narrow limits, and may be comprised in three periods ; the first from his early youth to the close of the revolutionary war ; the second from that time until his retirement from public service ; and the third his private life to its close.

In the first of these, we view him entering into life with that union of legal and political knowledge, and that mingled character of professional and agricultural pursuit, which long distinguished the gentlemen of a state, that has furnished a large proportion of our most eminent citizens. The troubles of his country soon commencing, he embarked in them with all the energy of youth, and rising with their increase, we find him throughout their course a firm and

fearless partisan, always foremost among those who led the van in the march of freedom, maturing his political principles by constant application, always decided in his conduct, and ready, as the times required, to devote himself to the more silent duties of legislation, or the more arduous occupations of executive trusts.

The second period of his life abounded in political circumstances, upon which the best and wisest of his countrymen have entertained very different sentiments; indeed it was scarcely possible, that in a universal change of almost the whole fabric of society, their opinions should not greatly vary. Those of Mr. Jefferson, as is well known, always leaned to the side of freedom, and whether they are viewed with favour or disapprobation, he must be taken as the great leader and author of the more popular form of our administration, as well as of that system which, by shutting out rather than increasing our connexion with foreign countries, leads to self dependence of our own. The great result of his measures, founded as they undoubtedly were on the excellent basis which had been laid before him, and generally followed up by his successors, has been the firm establishment of every great feature of our constitution, as it seems to have been originally designed, united with an administration of it, decidedly popular in its character, and of great simplicity, and at the same time a reduction of party spirit within limits perhaps as narrow as are possible or useful, and the increase to an amazing extent of the internal energy and resources of the nation.

The last period of Mr. Jefferson's life was that of rural and philosophic repose. Retiring from public scenes as the greatest of men in every age have done, his activity though abated was not lost, and he still performed the part of a

good and great citizen, watching over his country's actions and attempering them by his advice. His early disposition to letters, continued through his busiest, and was the resource of his last years; but his letters and philosophy were of the school of Franklin, less formed to investigate the depths of antiquity, or dazzle by their display, than to come home to the interests of his age and country, and direct mankind in the road of practical utility. Of the same character was his style, plain, useful, and energetic, adopting terms sometimes not before in use, where he thought them adapted to his purpose, and abounding sufficiently with manly and sublime touches where, as in several of his public papers, such were called for by his subject.

Like Franklin, Mr. Jefferson felt the gradual decay of age. affecting his body rather by insensible degrees, than by any settled infirmity, and his mind not at all. He became hoary, venerable, and bent with years, rather than broken by them; and his death was at last so happy in all its circumstances, that he seemed to have passed from this to another world, with the composure which religion and philosophy must equally desire.



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